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REPORTS

FROM

COMMITTEES:

EIGHT VOLUMES.

— *(2.)* —

CORRUPT PRACTICES AT ELECTIONS BILL;
ECCLESIASTICAL TITLES AND ROMAN CATHOLIC
RELIEF ACTS; ELECTIONS (TIPPERARY ELECTION);
ELECTIONS (WATERFORD COUNTY ELECTION);
HOUSE OF COMMONS (ARRANGEMENTS);
KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);
PARLIAMENTARY DEPOSITS; PRIVATE BILLS;
RAILWAY AND CANAL BILLS; RAILWAYS;
RATES AND MUNICIPAL FRANCHISE ACTS [H. L.]

Session

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REPORTS FROM COMMITTEES:

1867.

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MINUTES OF PROCEEDINGS

OF THE

SELECT COMMITTEE

ON THE

CORRUPT PRACTICES AT ELECTIONS BILL.

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1867.

Monday, 6th May 1867.

Ordered, THAT the Corrupt Practices at Elections Bill be committed to a Select Committee.

Thursday, 16th May 1867.

Ordered, THAT the Committee do consist of 17 Members.

Committee nominated of—

Mr. Mowbray.	Mr. Baxter.
Mr. Whitbread.	Mr. Brett.
Sir Rainald Knightley.	Mr. Clive.
Sir Robert Collier.	Mr. Scourfield.
Lord Edwin Hill-Trevor.	Mr. Sullivan.
Mr. Lowe.	Mr. Beach.
Lord Elcho.	Mr. Otway.
Mr. Knatchbull-Hugessen.	Mr. Hunt.
Mr. Russell Gurney.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Friday, 17th May 1867.

Ordered, THAT the Committee do consist of 19 Members.

Ordered, THAT Sir *George Grey* and Sir *Stafford Northcote* be added to the Committee.

REPORT.

THE SELECT COMMITTEE, to whom the CORRUPT PRACTICES at ELECTIONS BILL was referred, have gone through the Bill and made Amendments thereunto, and have amended the title as followeth :—

"A BILL for Amending the Laws relating to Election Petitions and providing more effectually for the Prevention of Corrupt Practices at Parliamentary Elections."

12 *July* 1867.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 21*st May* 1867.

MEMBERS PRESENT:

Mr. Beach.
Mr. Russell Gurney.
Mr. Hunt.
Mr. Brett.
Mr. Whitbread.
Sir George Grey.
Mr. Knatchbull-Hugessen.
Mr. Mowbray.
Mr. Scourfield.
Sir Stafford Northcote.
Lord Edwin Hill-Trevor.

Sir STAFFORD NORTHCOTE was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 27*th May* 1867.

MEMBERS PRESENT:

Sir STAFFORD NORTHCOTE in the Chair.

Sir George Grey.
Mr. Mowbray.
Sir Robert Collier.
Mr. Russell Gurney.
Lord Edwin Hill-Trevor.
Mr. Beach.
Mr. Whitbread.
Mr. Scourfield.
Mr. Baxter.
Mr. Hunt.
Mr. Otway.
Sir Rainald Knightley.
Mr. Knatchbull-Hugessen.
Mr. Brett.
Mr. Lowe.
Lord Elcho.

The Committee deliberated.

[Adjourned till Wednesday next, at One o'clock.

Wednesday, 29*th May* 1867.

MEMBERS PRESENT:

Sir Stafford Northcote.
Sir George Grey.
Mr. Mowbray.
Mr. Whitbread.
Sir Robert Collier.
Mr. Beach.
Mr. Baxter.
Mr. Scourfield.
Lord Edwin Hill-Trevor.
Mr. Knatchbull-Hugessen.
Mr. Clive.
Mr. Hunt.
Mr. Russell Gurney.
Mr. Otway.
Sir Rainald Knightley.
Mr. Lowe.

Sir *George Grey* in the Chair; afterwards Sir *Stafford Northcote* in the Chair.

The Committee deliberated.

Motion

Motion made, and Question, "That Counsel do prepare clauses for the consideration of the Committee founded on the following Resolutions"—(Mr. *Mowbray*)—put, and *agreed to.*

Motion made, and Question, "That the trial of controverted elections be transferred to the superior courts of common law"—(Sir *Robert Collier*)—put, and *agreed to.*

Motion made, and Question proposed, "That Election Petitions be addressed to the Court of Queen's Bench, and recognizances be entered into to the same amount as at present"—(Mr. *Whitbread*).—Amendment proposed, to leave out the words "Court of Queen's Bench," in order to insert the words "House of Commons"—(Mr. *Knatchbull-Hugessen*)—instead thereof.—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 13.	Noe, 1.
Mr. Mowbray.	Mr. Knatchbull-Hugessen.
Mr. Whitbread.	
Sir Rainald Knightley.	
Sir Robert Collier.	
Lord Edwin Hill-Trevor.	
Mr. Lowe.	
Mr. Russell Gurney.	
Mr. Baxter.	
Mr. Clive.	
Mr. Scourfield.	
Mr. Beach.	
Mr. Otway.	
Mr. Hunt.	

Main Question—put, and *agreed to.*

Motion made, and Question proposed, "That Election Petitions be presented within twenty-one days after the return"—(Mr. *Hunt*)—put, and *agreed to.*

Motion made, and Question proposed, "That the trials of such Petitions shall take place on the spot (15 & 16 Vict. c. 57, ss. 4 & 5) before a judge of one of the superior courts, unless the court, upon special cause shown, shall otherwise determine, and his determination shall be conclusive, subject to any points of law which he may reserve for consideration of a Court of Election Appeals, to be constituted of not less than three judges of the superior courts, to sit and determine thereon with all convenient dispatch, and to have power to sit in term or vacation—(Sir *Robert Collier*).—Amendment proposed, To leave out the words "Subject to any points of law which he may reserve"—(Mr. *Baxter*).—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 8.	Noes, 6.
Mr. Mowbray.	Sir R. Knightley.
Mr. Whitbread.	Mr. Lowe.
Sir Robert Collier.	Mr. Baxter.
Lord E. Hill-Trevor.	Mr. Scourfield.
Mr. Knatchbull-Hugessen.	Mr. Otway.
Mr. Russell Gurney.	Sir. George Grey.
Mr. Clive.	
Mr. Hunt.	

Another amendment proposed, to leave out the word "a" after the words "consideration of," in order to insert the word "the"—(Mr. *Lowe*)—instead thereof.—Question put, That the word "a" stand part of the Question.—The Committee divided:

Ayes, 7.	Noes, 7.
Mr. Mowbray.	Sir R. Knightley.
Mr. Whitbread.	Mr. Lowe.
Sir Robert Collier.	Mr. Knatchbull-Hugessen.
Lord E. Hill-Trevor.	Mr. Baxter.
Mr. Russell Gurney.	Mr. Scourfield.
Mr. Clive.	Mr. Otway.
Mr. Hunt.	Sir George Grey.

Whereupon the Chairman declared himself with the Ayes.

Main Question—put, and *agreed to.*

Motion made, and Question, "That the two Chief Justices and Chief Baron make rules of procedure, subject to provisions of existing Acts and this Act"—(Sir *Robert Collier*)—put, and *agreed to.*

Motion made, and Question, "That the judge have the same power as is given to an Election Committee of making Reports to the House; and on the report of the judge that corrupt practices have, or that there is reason to believe that corrupt practices have

extensively prevailed at any election, the provisions of the Act 15 & 16 Vict. c. 57, shall apply"—(Sir *Robert Collier*)—put, and *agreed to.*

Motion made, and Question, "That no Petition be withdrawn without the special leave of the Court after such local notice as the Court may direct, with power for electors to intervene and show cause why petition should not be withdrawn; and Court may report specially to the House, and House may address the Crown for Commission of Inquiry—(Sir *Robert Collier*)—put, and *agreed to.*

[Adjourned till Monday next, at One o'clock.

Monday, 3rd June 1867.

MEMBERS PRESENT:

Sir STAFFORD NORTHCOTE in the Chair.

Sir George Grey.	Mr. Russell Gurney.
Mr. Beach.	Mr. Brett.
Mr. Scourfield.	Mr. Knatchbull-Hugessen.
Lord Elcho.	Mr. Mowbray.
Mr. Whitbread.	Mr. Clive.
Sir Robert Collier.	Lord Edwin Hill-Trevor.
Mr. Baxter.	Mr. Lowe.
Mr. Otway.	Sir Rainald Knightley.

The Committee deliberated.

Motion made, and Question put, "That the disqualification as to sitting in Parliament should extend to all Candidates at an election, if found guilty of bribery, whether the seat is claimed by the petitioner or not"—(Sir *George Grey*).—The Committee divided:

Ayes, 8.	Noes, 8.
Sir Rainald Knightley.	Mr. Mowbray.
Lord Elcho.	Mr. Whitbread.
Mr. Knatchbull-Hugessen.	Sir Robert Collier.
Mr. Baxter.	Lord Edwin Hill-Trevor.
Mr. Clive.	Mr. Lowe.
Mr. Scourfield.	Mr. Russell Gurney.
Mr. Beach.	Mr. Brett.
Sir George Grey.	Mr. Otway.

Whereupon the Chairman declared himself with the Noes.

Motion made, and Question proposed, "That the penalty for bribery with knowledge or consent shall be the same for every offence"—(Mr. *Whitbread*).—The Committee divided:

Ayes, 6.	Noes, 10.
Mr. Whitbread.	Mr. Mowbray.
Mr. Lowe.	Sir Rainald Knightley.
Lord Elcho.	Sir Robert Collier.
Mr. Knatchbull-Hugessen.	Lord Edwin Hill-Trevor.
Mr. Scourfield.	Mr. Russell Gurney.
Sir George Grey.	Mr. Baxter.
	Mr. Brett.
	Mr. Clive.
	Mr. Beach.
	Mr. Otway.

8. Motion made, and Question, "That the candidate, if found guilty of the offence of bribery, treating, &c., with knowledge and consent, shall be incapable of being elected or sitting in the House of Commons for a period of seven years"—(Mr. *Otway*)—put, and *agreed to.*

Motion made, and Question put, "That a clause be prepared providing that the penalty for the second offence of bribery, &c. shall not be for life"—(Mr. *Knatchbull-Hugessen*).—The Committee divided:

Ayes, 7.	Noes, 9.
Mr. Whitbread.	Mr. Mowbray.
Mr. Lowe.	Sir Richard Knightley.
Lord Elcho.	Sir Robert Collier.
Mr. Knatchbull-Hugessen.	Lord Edwin Hill-Trevor.
Mr. Scourfield.	Mr. Russell Gurney.
Mr. Beach.	Mr. Baxter.
Sir George Grey.	Mr. Brett.
	Mr. Clive.
	Mr. Otway.

9. *Resolved,*

9. *Resolved*, "That the penalty for the second offence of Bribery shall be for life."

Motion made, and Question put, "That no penalty should attach to a candidate in respect of the employment of any person for the purposes of the election, unless such person has been convicted of bribery, &c., within seven years before the employment—(Sir *Rainald Knightley*).—The Committee divided:

Ayes, 5.	Noes, 9.
Sir Rainald Knightley.	Mr. Mowbray.
Mr. Lowe.	Mr. Whitbread.
Lord Elcho.	Sir Robert Collier.
Mr. Knatchbull-Hugessen.	Lord Edwin Hill-Trevor.
Mr. Scourfield.	Mr. Russell Gurney.
	Mr. Baxter.
	Mr. Brett.
	Mr. Beach.
	Mr. Otway.

Motion made, and Question proposed, "That the conveyance of voters to the poll in boroughs at the expense of candidates shall be illegal"—(Sir *Robert Collier*).—Amendment proposed, to leave out from the word "That" to the end of the question, in order to add the words, "It is inexpedient to consider the Question, of the payment of travelling expenses of voters until the clauses in the Reform Bill relating to voting papers and additional polling places have been discussed"—(The *Chairman*).—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 4.	Noes, 11.
Sir Robert Collier.	Mr. Mowbray.
Mr. Baxter.	Mr. Whitbread.
Mr. Clive.	Sir Rainald Knightley.
Mr. Otway.	Lord E. Hill-Trevor.
	Mr. Lowe.
	Lord Elcho.
	Mr. Knatchbull-Hugessen.
	Mr. Russell Gurney.
	Mr. Brett.
	Mr. Scourfield.
	Mr. Beach.

Words added.—Main Question, as amended,—*agreed to.*

10. Motion made, and Question, "That it is desirable that persons found guilty of bribery, or reported by the judge or commissioners as having been guilty of bribery, should, notwithstanding any indemnity, be for seven years incapacitated from being elected as Members of Parliament, or voting for Members of Parliament, or holding municipal offices, or being included in a commission of peace"—(Mr. *Russell Gurney*)—put, and *agreed to.*

11. Motion made, and Question, "That in counties, the high sheriff, and in boroughs the chief magistrate, shall provide for the reception of the judge, and the expenses of such reception shall be repaid by the Treasury"—(Mr. *Whitbread*)—put, and *agreed to.*

12. Motion made, and Question, "That in cases where the judge has reported that gross and extensive bribery has prevailed, the expenses of the election commission shall be defrayed out of the county rate or borough rate, as the case may be"—(Mr. *Whitbread*)—put, and *agreed to.*

[Adjourned till Monday, 1st July, at Twelve o'clock.

Monday, 1*st July* 1867.

MEMBERS PRESENT:

Sir STAFFORD NORTHCOTE in the Chair.

Sir George Grey.	Mr. Hunt.
Mr. Knatchbull-Hugessen.	Mr. Scourfield.
Mr. Beach.	Mr. Russell Gurney.
Mr. Baxter.	Mr. Brett.
Mr. Otway.	Lord Edwin Hill-Trevor.
Mr. Clive.	Sir Rainald Knightley.
Mr. Mowbray.	

Preamble, *postponed.*

Clause 1, amended, and *agreed to.*

Clauses 2 to 46, *negatived.*

Schedules A, B, and C, *negatived.*

To whom and by whom Election Petition may be presented.

New Clause:—" (Presentation and Service of Petition.)—" A petition complaining of an undue return or undue election of a Member to serve in Parliament for a County or Borough may be presented to the Court of Queen's Bench by any one or more of the following persons:—

" 1. Some person who voted, or who had a right to vote at the election to which the Petition relates; or,

" 2. Some person claiming to have had a right to be returned or elected at such election; or,

" 3. Some person alleging himself to have been a Candidate at such election:

" And such petition is hereinafter referred to as an election petition"—(The *Chairman*)—brought up, and read the first and second time.—Amendment proposed, to leave out the words " Court of Queen's Bench," in order to insert the words " House of Commons"—(Mr. *Knatchbull-Hugessen*)—instead thereof.—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 11.	Noes, 2.
Mr. Mowbray.	Mr. Knatchbull-Hugessen.
Sir Rainald Knightley.	Sir George Grey.
Lord E. Hill-Trevor.	
Mr. Russell Gurney.	
Mr. Baxter.	
Mr. Brett.	
Mr. Clive.	
Mr. Scourfield.	
Mr. Beach.	
Mr. Otway.	
Mr. Hunt.	

Question, That this Clause be added to the Bill—put, and *agreed to.*

Regulations as to presentation of Election Petition.

New Clause, " The following enactments shall be made with respect to the presentation of an Election Petition:

" 1. The petition shall be signed by the petitioner, or all the petitioners, if more than one:

" 2. The petition shall be presented within twenty-one days after the return has been made to the Clerk of the Crown in Chancery of the Member to whose election the petition relates, unless it question the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any Member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within 28 days after the date of such payment:

" 3. Presentation of a petition shall be made by delivering it to the prescribed officer or otherwise dealing with the same in manner prescribed:

" 4. At the time of the presentation of the petition or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner,—

(*a.*) To any person summoned as a witness on his behalf, or,

(*b.*) To the Member whose election or return is complained of (who is hereinafter referred to as the respondent),

shall be given on behalf of the petitioner:

" 5. The security shall be to an amount not less than 1,000 *l.*; it may be given by recognizance to be entered into by any number of sureties not exceeding four, or by a deposit of money in manner prescribed; or partly in one way and partly in the other"—(The *Chairman*)—brought up, and read the first and second time.—Amendment proposed, after the words, " deposit of money," to insert the words, " or transfer of Government securities"—(Mr. *Hunt*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*—Question, That this clause be added to the Bill—put, and *agreed to.*

Rules as to trial of Election Petitions.

New Clause:—(Trial of a Petition.)—The following enactments shall be made with respect to the trial of election petitions:

" 1. Each election petition shall be tried by a judge of one of Her Majesty's superior courts of common law at Westminster, sitting in open court without a jury.

" 2. Notice

"2. Notice of the time and place at which an election petition will be tried shall be given not less than 14 days before the day on which the trial is held by the prescribed officer in manner prescribed by rules of court.

"3. The trial of an election petition in the case of a petition relating to a borough election shall take place in the borough, and in the case of a petition relating to a county election at the principal place for holding the election in the county, if there is a convenient court house at such borough or place, and if there is no such court house, then at such place as may be appointed by the Court of Queen's Bench.

"4. Arrangements shall be made by the judges of Her Majesty's superior courts for trying as many election petitions as possible contemporaneously, but where such petitions cannot be tried contemporaneously they shall be tried in the order in which they stand in the election list.

"5. At the conclusion of the trial the judge who tried the petition shall make a written report to the Speaker, and in such report shall state whether the Member whose return or election is complained of, or any and what other person, was duly returned or elected, or whether the election was void, or whether a new writ ought to issue.

"6. Where any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall report as follows:—

"(*a.*) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election.

"(*b.*) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice.

"(*c.*) Whether it is or is not the fact, or whether there is or is not reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates.

"7. The judge may make a special report as to any matters arising in the course of the trial, an account of which, in his judgment, ought to be submitted to the House of Commons"—(The *Chairman*)—brought up, and read the first and second time.

[Adjourned till Thursday next, at Half-past One o'clock.

Thursday, 4th July 1867.

MEMBERS PRESENT:

Sir STAFFORD NORTHCOTE in the Chair.

Sir George Grey.	Mr. Baxter.
Mr. Knatchbull-Hugessen.	Mr. Mowbray.
Mr. Beach.	Sir Robert Collier.
Mr. Lowe.	Mr. Scourfield.
Mr. Hunt.	Mr. Clive.
Mr. Otway.	Lord Edwin Hill-Trevor.
Mr. Brett.	

New Clause, "Rules as to Trial of Election Petitions," again proposed.—Amendment proposed to leave out from the words "county election," to the words "Court of Queen's Bench"—(Mr. *Knatchbull-Hugessen*).—Question, That the words proposed to be left out stand part of the Clause—put, and *negatived*. An Amendment made.

Another Amendment proposed, after the words "in the county," to insert the words, "Provided always that if it shall appear to the Court of Queen's Bench that special circumstances exist which render it desirable that the petition should be tried elsewhere than in the borough or county, it shall be lawful for the Court to appoint such other place for the trial as shall appear most convenient"—(Mr. *Knatchbull-Hugessen*).—Question, That those words be there inserted—put, and *agreed to*.

Another Amendment proposed, after the word "convenient," at the end of the last Amendment, to insert the words, "Provided also that in the case of a Petition relating to any of the boroughs within the metropolitan district, the Petition may be heard at such place within the district as the Court of Queen's Bench may appoint"—(Mr. *Knatchbull-Hugessen*).—Question, That those words be there inserted—put, and *agreed to*.

Another Amendment proposed, after the word "appoint," at the end of the last amendment, to insert the words: "The judge presiding at the trial may adjourn the same

same from any one place to any other place within the county or borough as to him may seem expedient"—(Sir *George Grey*).—Question, "That those words be there inserted"—put, and *agreed to.*

Another amendment proposed, after the word "expedient," at the end of the last amendment, to leave out from the word "arrangements" down to the words "election *list*" inclusive—(Sir *Robert Collier*).—Question, "That the words proposed to be left out stand part of the clause"—put, and *negatived.*

Further amendments made.—Question, "That this clause, as amended, be added to the Bill"—put, and *agreed to.*

House of Commons to carry out Report.

New clause, "The House of Commons, on being informed by the Speaker of such certificate and report, or reports, if any, shall order the same to be entered in their Journals, and shall give the necessary directions for confirming or altering the return, or for issuing a writ for a new election, or for carrying the determination into execution as circumstances may require"—(The *Chairman*)—brought up, read the first and second time, and *added.*

House of Commons may make order on Special Report.

New clause, "Where the Judge makes a Special Report the House of Commons may make such order in respect of such Special Report as they think proper"—(The *Chairman*)—brought up, read the first and second time, and *added.*

Report of the Judge as to corrupt practices.

New clause, "If the Judge states in his Report on the trial of an Election Petition that it is the fact, or that there is reason to believe that corrupt practices have extensely prevailed in any county or borough at the Election to which the Petition relates, such statement shall for all the purposes of the Act of the Session of the 15th and 16th years of the reign of Her present Majesty, c. 57, intituled, "An Act to provide for more effectual Inquiry into the Existence of corrupt Practices at Elections of Members to serve in Parliament," have the same effect and may be dealt with in the same manner as if it were a Report of a Committee of the House of Commons appointed to try an Election Petition, and a joint Address of both Houses of Parliament may accordingly be made to Her Majesty for the issue of a Commission to make inquiry into the existence of corrupt practices in such county or borough, and the expenses of such commission shall be defrayed as if they were expenses incurred in the registration of voters for such county or borough"—(The *Chairman*)—brought up, read the first and second time.—Several amendments made.—Clause, as amended, *added.*

Report of Judge equivalent to Report of Election Committee.

New clause, "The report of a Judge in respect of persons guilty of corrupt practices shall for the purpose of the prosecution of such persons in pursuance of Section 9 of the Act of the 26th year of the reign of her present Majesty, chapter 29, have the same effect as the Report of the Election Committee therein mentioned, that certain persons have been guilty of bribery and treating"—(The *Chairman*)—brought up, read the first and second time, and *added.*

Several new clauses brought up, read the first and second time, and *added.*

Reservation of points of law.

New clause, "The Judge may in his discretion reserve any question of law which may arise on the trial of an Election Petition for the consideration of the Court of Election Appeal hereinafter mentioned, and in that case he shall not make his Report to the Speaker until the question so reserved has been determined by the Court of Appeal"—(The *Chairman*)—brought up, read the first and second time.—Amendment made.—Question put, That this Clause, as amended, be added to the Bill.—The Committee divided:

Ayes, 3.	Noes, 9.
Mr. Mowbray.	Sir Robert Collier.
Mr. Brett.	Lord E. Hill-Trevor.
Mr. Clive.	Mr. Lowe.
	Mr. Knatchbull-Hugessen.
	Mr. Baxter.
	Mr. Scourfield.
	Mr. Beach.
	Mr. Otway.
	Sir George Grey.

Appointment of agent.

New clause, "The agent appointed by a candidate for the purposes of the Act of the Session of the 26th year of Her present Majesty, cap. 29, shall be deemed to be the agent of such candidate for all the purposes of this Act; if no agent has been appointed in pursuance of the said Act on behalf of any candidate the person who may nominate the candidate on the day of election shall, until another agent is appointed, be deemed the agent of such candidate for all the purposes of this Act"—(The *Chairman*)—brought up, read the first and second time.—Question, "That this clause be added to the Bill"—put, and *negatived.*

Several new clauses brought up, and read the first and second time, and *added.*

New

New clause, "The Judge shall be received at the place where he is about to hear an election petition with the same state, so far as circumstances admit, as a judge of assize is received at an assize town; he shall be received by the sheriff in the case of a petition relating to a county election, and in any other case by the mayor or other chief officer of the place at which the trial is to take place. All expenses properly incurred by the sheriff or by such mayor or other chief officer in receiving the judge and providing him with necessary accommodation and with a proper court shall be defrayed by the Commissioners of the Treasury out of money to be provided by Parliament" —(The *Chairman*)—brought up, and read the first and second time.—Amendment made.—Question put, That this clause, as amended, be added to the Bill.—The Committee divided: Reception of Judge.

Ayes, 7.	Noes, 2.
Mr. Mowbray.	Mr. Knatchbull-Hugessen.
Sir Robert Collier.	Mr. Otway.
Lord E. Hill-Trevor.	
Mr. Brett.	
Mr. Scourfield.	
Mr. Beach.	
Sir George Grey.	

Several new clauses brought up, read the first and second time, and *added.*

[Adjourned till Monday next, at One o'clock.

Monday, 8*th July* 1867.

MEMBERS PRESENT:

Sir STAFFORD NORTHCOTE in the Chair..

Sir George Grey.	Mr. Baxter.
Mr. Knatchbull-Hugessen.	Sir Rainald Knightley.
Mr. Mowbray.	Lord Edwin Hill-Trevor.
Mr. Hunt.	Mr. Brett.
Mr. Lowe.	Sir Robert Collier.
Mr. Clive.	

Several new clauses brought up, read the first and second time, and *added.*

[Adjourned till Thursday next, at Two o'clock.

Thursday, 11*th July* 1867.

MEMBERS PRESENT:

Sir George Grey.	Mr. Clive.
Mr. Hunt.	Mr. Mowbray.
Mr. Beach.	Lord E. Hill-Trevor.
Mr. Otway.	Sir Rainald Knightley.
Mr. Baxter.	Mr. Scourfield.
Mr. Knatchbull-Hugessen.	

In the absence of Sir *Stafford Northcote*, Mr. *Hunt* was called to the Chair.

Several new clauses brought up, read the first and second time, and *added.*

New clause, "Every person who, after the passing of this Act, shall be elected a Member of the House of Commons, shall, before he shall vote or sit in such House, make and subscribe at the Table of the said House, and whilst the House is sitting, with the Speaker in the Chair, the following declaration:

"I, A. B., being a person returned to serve as a Member of Parliament for the city [or, county, or borough] of , do hereby solemnly and sincerely declare that I have not at any time before, during, or after my election as such Member, directly or indirectly, by myself, or by any other person on my behalf, given, lent, or agreed to give or lend, or offered, promised, or promised to procure, or to endeavour to procure any money or valuable consideration to or for any voter for the said city [or, county, or borough], or for any person on behalf of such voter, or to or for any other person whatsoever, in order to procure, permit, or influence my election as such Member as aforesaid; and that I have not directly or indirectly, by myself or by any other person on my behalf, given or procured, or agreed to give or procure,

or offered, promised, or promised to procure, or to endeavour to procure, any office, place, or employment, to or for any voter for the said city [or, county, or borough], or to or for any person on behalf of any voter, or to or for any other person whatsoever, in order to procure, promote, or influence my election as such Member; and I do faithfully promise and declare that I will not at any time hereafter, directly or indirectly, by myself, or any other person on my behalf, do, authorise, or sanction any such corrupt act as aforesaid in regard to my said election.

And the said House of Commons is hereby empowered and required to take and receive the said declaration, immediately after the said person shall have taken the oath or oaths by law required to be taken by Members of the House of Commons, at the Table of the said House; and any person who shall make and subscribe such declaration, knowing the same to be false in any particular, or who shall wilfully do, authorise, or sanction any act or proceeding contrary to the true intent and meaning thereof, shall be deemed guilty of a misdemeanour"—(Mr. *Clive*)—brought up, and read the first time.—Question put, That this Clause be read a second time.—The Committee divided:

Ayes, 3.	Noes, 7.
Lord Edwin Hill-Trevor.	Mr. Mowbray.
Mr. Clive.	Sir Rainald Knightley.
Mr. Otway.	Mr. Knatchbull-Hugessen.
	Mr. Baxter.
	Mr. Scourfield.
	Mr. Beach.
	Sir George Grey.

Schedule *agreed to.*

Preamble amended, and *agreed to.*

Title amended.

Ordered, To Report the Bill, as amended, to the House.

MINUTES OF PROCEEDINGS

OF THE

SELECT COMMITTEE

ON THE

CORRUPT PRACTICES AT ELECTIONS BILL.

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1867.

436.

Under 2 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL TITLES

AND

ROMAN CATHOLIC RELIEF ACTS;

TOGETHRE WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed*,
2 *August* 1867.

503.

Thursday, 16*th May* 1867.

Ordered, THAT a Select Committee be appointed to inquire into and report upon the operation of the Act 14 & 15 Vict. c. 60 (the Ecclesiastical Titles Act), and so much of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act), as is contained in section 24.

Monday, 24*th June* 1867.

Committee nominated of,—

Mr. MacEvoy.	Mr. Howes.
Mr. Walpole.	Mr. Coleridge.
Mr. Gregory.	Mr. Attorney-General for Ireland.

Thursday, 27*th June* 1867.

Mr. M'Kenna.	Mr. Henry Austin Bruce.
The Judge Advocate.	Mr. Bentinck.
Mr. Chichester Fortescue.	Lord Frederick Cavendish.
Mr. William Edward Forster.	Mr. Brett.

Nominated other Members of the Select Committee.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Monday, 1*st July* 1867.

Ordered, THAT Mr. Paull be added to the Select Committee.

Wednesday, 31*st July* 1867.

Petition of the Chairman of the Committee of the Protestant Association, for an opportunity of tendering evidence on the subject; referred to the Select Committee on the Ecclesiastical Titles and Roman Catholic Relief Acts.

Friday, 2*nd August* 1867.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into and report upon the operation of the Act 14 & 15 Vict. c. 60 (the Ecclesiastical Titles Act), and so much of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act), as is contained in s. 24;—Have considered the matters to them referred, and have agreed to the following REPORT:

Your Committee have examined several witnesses of high authority as to the legal effect of the Act and section in question, as to the extent to which they interfere with the church discipline and religious freedom of Her Majesty's Roman Catholic subjects, and as to their general political and social operation.

Your Committee find that, until the Act of 1851 was proposed, the Roman Catholics of Ireland seem to have disregarded the Clause in the Act of 1829. No attempt had ever been made to enforce that Clause, and a custom had gradually grown up, which, without violating the letter of the Act of 1829, did distinctly recognise a certain status on the part of the Roman Catholic Archbishops and Bishops, and conduced to mutual good relations between them and the Executive Government. The Act of 1851 appears to have had the effect of interfering to a serious extent with those good relations which had previously prevailed.

Your Committee have received ample evidence to the effect that the government of the Roman Catholic Church is, under ordinary circumstances, conducted by means of Episcopal Hierarchies, constituted by briefs or other documents emanating from the See of Rome, and that such Hierarchies have been so constituted, in British America, Australia, India, and in other parts of the Empire; and that the system of government by Vicars Apostolic, which had existed in England before the Brief of 1850, was, in the view of the Roman Catholics in the nature of a provisional and less constitutional form of government, in which the jurisdiction was of a more arbitrary character, and local rights less clearly defined. The Roman Catholic Clergy and Laity of England had long sought to obtain from Rome that regular form of government which can only exist under a duly constituted hierarchy; and substantial reasons have been urged by the English Roman Catholics why they should have considered this change desirable.

Your Committee are of opinion that the Act of 1851, which was passed at a period of considerable excitement, proceeded upon a misapprehension of what the Brief of 1850 was intended to effect. The use of what are called territorial, that is diocesan, titles seems to be inseparable from the existence of a regular hierarchy in all episcopal communions; but it implies no greater claim to territorial jurisdiction than the existence of Vicars Apostolic or Ecclesiastical Superiors under other names. In both cases persons within territory, or territory containing persons, are necessarily referred to in order to give certainty to the jurisdiction; and in both cases the real question seems to be whether the jurisdiction claimed is of an external and coercive, or of a purely spiritual and voluntary kind: and your Committee have ascertained by evidence that, whether exercised with, or exercised without, local designations, the claim made by the authorities of the Roman Catholic Church in the United Kingdom relates only to the latter, that is to say, a spiritual and voluntary kind of jurisdiction.

Your Committee are further of opinion that the Act of 1851, contrary to the professions under which it was introduced, would, if enforced, seriously affect the rights of the Roman Catholic communion in matters purely spiritual and voluntary, for it declares void and attaches the character of illegality to all acts and documents relating to the episcopal government of the Roman Catholic Church in these countries, which in evidence or otherwise may come under the cognizance of the temporal courts, or be necessarily employed in the relations which exist between the Government and the Roman Catholic subjects of the realm.

And your Committee cannot consider that to be a satisfactory state of the law, in which violation of an Act of Parliament on one side, and connivance at that violation on the other, seem to be essential conditions for the enjoyment of religious freedom, such violation of the law, as it appears to your Committee from the evidence laid before them, being frequently an absolute necessity on the part of Roman Catholic Prelates in the discharge of their purely spiritual functions.

In the foregoing remarks your Committee more particularly refer to the Act of 1851, but the same principles appear to them to attach to the prohibition of the assumption of local designations in the section of the Act of 1829.

On these grounds your Committee recommend the repeal both of the Act 14 & 15 Vict. c. 60, and of s. 24 of the Act of 10 Geo. 4, c. 7.

Your Committee submit for the consideration of the House, whether, for purposes of legal description, certain modes of designation applicable to Roman Catholic Bishops might not be adopted, whereby some inconveniences which have been pointed out to the Committee might be avoided.

Finally, upon a full review of the evidence, your Committee are of opinion that the repeal of the Act and of the section referred to their consideration, will in no way enable the hierarchy of the Roman Catholic Church to assume any civil or temporal precedence or authority within the realm, or cause any detriment or inconvenience to the State, or to any class of Her Majesty's subjects, while it would tend to allay the irritation and remove the sense of wrong which that legislation undoubtedly excited among the Roman Catholics of the United Kingdom.

2 August 1867.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 4th July 1867.

MEMBERS PRESENT:

Mr. MacEvoy.	Mr. Paull.
Mr. Chichester Fortescue.	Mr. M'Kenna.
Mr. Attorney General for Ireland.	The Judge Advocate.
	Mr. Bentinck.

Mr. MacEvoy was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday next, at One o'clock.

Tuesday, 9th July 1867.

MEMBERS PRESENT:

Mr. MacEvoy in the Chair.

Mr. Walpole.	Mr. Chichester Fortescue.
Mr. Howes.	Lord Frederick Cavendish.
The Judge Advocate.	Mr. Gregory.
Mr. Bentinck.	Mr. Paull.
Mr. Attorney General for Ireland.	

Mr. Justice *O'Hagan* and Mr. *Hope Scott* were severally examined.

[Adjourned till Friday next, at One o'clock.

Friday, 12th July 1867.

MEMBERS PRESENT:

Mr. MacEvoy in the Chair.

Mr. Howes.	Mr. M'Kenna.
Lord Frederick Cavendish.	Mr. Chichester Fortescue.
Mr. Walpole.	Mr. W. E. Forster.
Mr. Bentinck.	Mr. Brett.
Mr. Attorney General for Ireland.	Mr. Austin Bruce.
The Judge Advocate.	Mr. Paull.

Mr. *James Vincent Harting* examined.

[Adjourned till Tuesday next, at One o'clock.

Tuesday, 16*th July* 1867.

MEMBERS PRESENT:

Mr. MacEvoy in the Chair.

Mr. Walpole.	Mr. W. E. Forster.
Mr. Attorney General for Ireland.	Mr. Chichester Fortescue.
Mr. Brett.	Mr. Howes.
Mr. Gregory.	Lord Frederick Cavendish.
The Judge Advocate.	Mr. M'Kenna.
	Mr. Bentinck.

Mr. *Hope Scott* further examined.

[Adjourned till Friday next, at One o'clock.

Friday, 19*th July* 1867.

MEMBERS PRESENT:

Mr. MacEvoy in the Chair.

Mr. Walpole.	Mr. Bentinck.
Mr. Chichester Fortescue.	Mr. Attorney General for Ireland.
Mr. Brett.	Lord Frederick Cavendish.
Mr. Howes.	Mr. Paull.
The Judge Advocate.	Mr. M'Kenna.
Mr. H. A. Bruce.	
Mr. Gregory.	

Right Reverend Dr. *Moriarty* examined.

[Adjourned till Tuesday next, at One o'clock.

Tuesday, 23*rd July* 1867.

MEMBERS PRESENT:

Mr. MacEvoy in the Chair.

Mr. Walpole.	Mr. Attorney General for Ireland.
Mr. Mowbray.	Lord Frederick Cavendish.
Mr. Chichester Fortescue.	Mr. Howes.
Mr. W. E. Forster.	Mr. Paull.
Mr. Bentinck.	Mr. M'Kenna.

Most Reverend Dr. *Manning* and Reverend Dr. *Brady* were severally examined.

[Adjourned till Friday next, at One o'clock.

Friday, 26*th July* 1867.

MEMBERS PRESENT:

Mr. MacEvoy in the Chair.

Mr. Walpole.	Mr. Chichester Fortescue.
Mr. Mowbray.	Mr. Paull.
Lord Frederick Cavendish.	Mr. Attorney General for Ireland.
Mr. Gregory.	

Right Rev. Dr. *Ullathorne*, and Sir *George Bowyer* (a Member of the House), were severally examined.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 2nd August 1867.

MEMBERS PRESENT:

Mr. MacEvoy in the Chair.

Mr. Paull.	Mr. W. E. Forster.
Mr. Howes.	Mr. M'Kenna.
Lord Frederick Cavendish.	Mr. H. A. Bruce.
Mr. Gregory.	The Judge Advocate.
Mr. Chichester Fortescue.	Mr. Brett.
Mr. Walpole.	Mr. Bentinck.

DRAFT REPORT, proposed by the *Chairman*, read the first time, as follows:—

"The Select Committee appointed to inquire into and report upon the operation of the Act 14 & 15 Vict. c. 60 (the Ecclesiastical Titles Act), and so much of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act), as is contained in s. 24;—Have considered the matters to them referred, and agreed to the following Report:

"1. Your Committee have examined several witnesses of high authority as to the legal effect of the Act and section in question, as to the extent to which they interfere with the church discipline and religious freedom of Her Majesty's Roman Catholic subjects, and as to their general political and social operation.

"2. Your Committee find that, until the Act of 1851 was proposed, the Roman Catholics of the United Kingdom seem to have regarded the clause in the Act of 1829 as to all intents and purposes inoperative. No attempt had ever been made to enforce that clause, on the contrary, the Roman Catholic Hierarchy of Ireland appear to have had their precedence and jurisdiction recognised by the Executive Government, and even by Acts of the Legislature, in a way which gave them no cause of offence. A custom had gradually grown up, which, though not violating the letter of the Act of 1829, did distinctly recognise a certain status on the part of the Roman Catholic Archbishops and Bishops, and conduced to mutual good relations between them and the Executive Government. The Act of 1851 appears to have had the effect of interfering to a serious extent with those good relations which had previously prevailed.

"3. Your Committee have received ample evidence to the effect that the government of the Roman Catholic Church is, under ordinary circumstances, conducted by means of episcopal hierarchies, constituted by briefs or other documents emanating from the See of Rome, and that such hierarchies have been recently so constituted, not only in England but in British America, Australia, India, and in other parts of the empire; and that the system of government by vicars apostolic, which had existed in England before the brief of 1850, was in the nature of a provisional and less constitutional form of government, in which the jurisdiction was of a more arbitrary character, and local rights less clearly defined. The Roman Catholic clergy and laity of England had long sought to obtain from Rome that regular form of government which can only exist under a duly constituted hierarchy; and many good and valid reasons have been given in evidence why the English Roman Catholics should have considered this change desirable.

"4. Your Committee are of opinion that the Act of 1851, which was passed at a period of considerable excitement, proceeded upon a misapprehension of what the brief of 1850 was intended to effect. The use of what are called territorial titles seems to be inseparable from the existence of a regular hierarchy in all episcopal communions; but it implies no greater claim to territorial jurisdiction than the existence of vicars apostolic or ecclesiastical superiors under other names. In both cases persons within territory, or territory containing persons, are necessarily referred to in order to give certainty to the jurisdiction; and in both cases the real question seems to be whether the jurisdiction claimed is of an external and coercive, or of a purely spiritual and voluntary kind; and your Committee have ascertained by evidence that, whether exercised with, or exercised without local designations, the claim made by the authorities of the Roman Catholic Church in the United Kingdom relates only to the latter; that is to say, a spiritual and voluntary kind of jurisdiction.

"5. Your Committee are further of opinion that the Act of 1851, contrary to the professions under which it was introduced, would, if enforced, seriously affect the rights of the Roman Catholic Communion in matters purely spiritual and voluntary, for it declares void and attaches the character of illegality to all acts and documents relating to the episcopal government of the Roman Catholic Church in these countries, which in evidence or otherwise may come under the cognizance of the temporal courts, or be necessarily employed in the relations which exist between the Government and the Roman Catholic subjects of the realm.

"And your Committee cannot consider that to be a satisfactory state of the law in which violation of an Act of Parliament on one side, and connivance at that violation on the other, seem to be essential conditions for the enjoyment of religious freedom, such violation of the law, as it appears to your Committee from the evidence laid before them, being frequently an absolute necessity on the part of Roman Catholic Prelates in the discharge of their purely spiritual functions.

"6. In the foregoing remarks your Committee more particularly refer to the Act of 1851, but the same principles appear to them to attach to the prohibition of the assumption of local designations in the section of the Act of 1829.

"7. On these grounds your Committee recommend the repeal both of the Act 14 & 15 Vict. c. 60, and of s. 24 of the Act of 10 Geo. 4, c. 7.

"8. Your Committee are also of opinion that by adopting, for purposes of legal description, certain modes of designation, such as have been already used or accepted by Her Majesty's Government in colonies or possessions of the Crown in which Roman Catholic hierarchs exist, all inconvenience in respect to the titles of the Bishops of the Established Church of England and Ireland may be avoided, and a useless cause of irritation be removed.

"9. Finally, upon a full review of the evidence, your Committee are of opinion that the repeal of the Act and of the section referred to their consideration, will in no way enable the hierarchy of the Roman Catholic Church to assume any civil or temporal precedence or authority within the realm, or cause any detriment or inconvenience to the State, or to any class of Her Majesty's subjects."

DRAFT REPORT proposed by Mr. *Walpole*, read the first time, as follows:

"The Select Committee appointed to inquire into and report upon the operation of the Act 14 & 15 Vict. c. 60 (the Ecclesiastical Titles Act), and so much of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act), as is contained in Section 24;—Have agreed to the following Report:

"1. On the part of those who impugn the Acts above referred to, several witnesses of high distinction and of great authority, as lawyers and theologians, have been brought before your Committee, in order that they might explain, according to their views, the operation of those Acts; and the evidence they have given is submitted to the House for the consideration of its Members.

"2. It will be seen on a perusal of this evidence, that a large portion of it relates to questions of general policy; but since these are matters which lie beyond the limits of the present inquiry, your Committee have forborne from commenting upon them. They have deemed it right to confine their observations in this Report to the practical operations of the Acts, or of so much of the Acts, as is distinctly referred to them; and they will therefore proceed to examine briefly the practical evils, inconveniences, and difficulties which are said to have arisen, or to be likely to arise from the operation of these Acts, in case their provisions should be enforced.

See Answer to Question 329. See also Mr. Hope Scott's statement, 147; and see Answers to Questions 357–362. 470–476, and 659.

"3. In the first place it was alleged by some of the witnesses that the general operation of the first section of the Ecclesiastical Titles Act made absolutely null and void all rescripts, rules, and other instruments under which a Roman Catholic bishop might be appointed, and also all and every the jurisdiction, authority, &c., derived from such documents; and it was therefore contended that this Act of Parliament, for the first time, had struck at the foundation of the whole government of the Roman Catholic Church in the United Kingdom. It seems to your Committee, however, that the witnesses had not adverted sufficiently to the fact, that the Act of Parliament was limited by the preamble to those cases, and to those cases only where the title of archbishop or bishop of a pretended province or diocese was assumed, under colour of an alleged authority given to them for that purpose by certain briefs, rescripts, or letters apostolical from the See of Rome; and the clause, which has reference to that preamble, declares, not that all bulls and rescripts, &c., but that all 'such' bulls and rescripts, &c., and the jurisdiction, &c., 'thereby' conferred, that is to say, the jurisdiction conferred by *such* bulls and rescripts, &c., are and shall be, and shall be deemed unlawful and void. Without presuming to give a positive opinion upon the legal points which have here been raised, the Committee feel that they are justified in stating that, according to the observations repeatedly expressed by the ablest lawyers when the Ecclesiastical Titles Act was under discussion, the spiritual and religious functions of every Roman Catholic prelate who does not assume a territorial title in contravention of the statute, are left untouched, and quite as free as they were before the statute was passed. Some of the witnesses appear to have coincided more or less in this view as soon as their attention was pointedly brought to this distinction.

See 14–25. 357–371. 470, 471. 623. 626.

"4. The more particular evils, inconveniences, and difficulties which are supposed to have arisen, or to be likely to arise from the Ecclesiastical Titles Act, are, principally, three: first, with regard to management clauses for Roman Catholic schools; secondly, with regard to Roman Catholic chaplains in the army or navy, or in prisons or workhouses;

houses; and, thirdly, with regard to the legal validity of charitable donations and bequests, which are, or may be made or given to Roman Catholic prelates.

" 5. With regard to management clauses, it appears that about the time of the Ecclesiastical Titles Act, some negotiation had taken place between the Committee of Council on Education and the Roman Catholic School Committee at Kemerton as to the form in which such management clauses should be drawn up. The form proposed by the School Committee referred to the authority of ' The Roman Catholic Bishop of Clifton,' and this form was intended to be a model form, applicable to all Roman Catholic schools. But the law officers of the Crown were of opinion that such a form would be contrary to the provision of the statute, which prohibited the assumption of the territorial title taken from a town or place in England, and they therefore recommended another form which would avoid that consequence. The proposed form was accordingly altered, and the altered form, which has since been adopted, describes the Roman Catholic bishop within any district as ' The Right Reverend A. B., Doctor in Divinity, and Roman Catholic Bishop,' without stating, as the proposed form did, that he was the bishop of any see, the title to which was taken from a town within any part of the United Kingdom. No inconvenience has arisen from the adoption of this form; and it cannot be alleged that the operation of the law in this respect is a practical grievance to the Roman Catholics.

See on this subject Mr. Hope Scott's statement, 147, and his evidence, 473–492, and Mr. Hastings' evidence, 321–351.

" 6. With regard to the appointment of Roman Catholic chaplains, it is stated that such chaplains must have faculties from the bishop within whose diocese he is to act; and that since those instruments must and do contain the title of his see, he carries about with him evidence against himself and his bishop of a contravention of the Act. It is to be observed, however, that there is nothing in the Act which in itself invalidates those faculties; for those faculties would have been just as available if they had been given by vicars apostolic before the statute was passed, or if they were to be given by any Roman Catholic bishop, without the assumption of a territorial title. And, in point of fact, it is admitted in this case, as it was in the case of the management clauses, that no practical grievance has arisen under this head.

See on this point, Mr. Hope Scott's statement, 147, and his evidence, 509–519, and see Archbishop Manning's, 839.

" 7. With regard to charitable donations and bequests, it has been surmised that difficulties might arise in the following instances:

" 1st. When a Roman Catholic archbishop or bishop, described thereby as such, is the priest to receive as a trustee or otherwise any bequest or gift.

" 2nd. When the action of a Roman Catholic archbishop or bishop, as such, is prescribed as part of the trust.

See Mr. Hope Scott's statement, 147.

" 3rd. When bequests for the benefit of former ecclesiastical districts have to be apportioned between new dioceses.

" The evidence, however, distinctly shows that the difficulties here suggested are more imaginary than real. Some cases have arisen where the validity of these bequests has been supposed to be affected by the Ecclesiastical Titles Act; and in one or two instances they have been brought before the Court. But there is no one case, either in England or in Ireland, where the practical operation of the Act has defeated the charitable bequest, or prevented its application to those objects which were intended to be benefited by it. Indeed, it may be observed that the Ecclesiastical Titles Act, so far, at least, as regards Ireland, contains a reservation of all the provisions of the Act of 1844, for the more effectual application of charitable donations and bequests in that part of the United Kingdom; and that Act points out the mode in which such bequests may always be made good.

See upon this subject, 493–504. 565–661. 676–689. 836, 837. 1006.

" 8. Your Committee have, therefore, arrived at the conclusion that no practical grievance has been found to exist with reference to the operation of the Ecclesiastical Titles Act, either as regards the Roman Catholic Bishops, or as regards the Roman Catholic people, in any of the cases which have been brought specially under their notice.

" 9. It has been urged, however, that the changes made from vicars apostolic, which existed in England before the issue of the Pope's rescript, into bishops in ordinary with territorial title, was ' morally necessary for the Roman Catholic Church;' and the objections taken to the previous system appear to consist in this, that under that system they could not appoint chapters, hold synods, legislate for their church, or exercise and enforce any compulsory jurisdiction. How far it might be advisable to confer such powers on the Roman Catholic Hierarchy, is one of the questions of general policy upon which your Committee forbear from expressing any opinion, inasmuch as that matter has not been referred to them. But with regard to the practical operation of the law, so far as it affects the spiritual and religious functions of the Roman Catholic prelates, your Committee must observe that all the evidence tends to show that, unless territorial titles are assumed, their functions may be as fully, freely, and completely exercised since the passing of the Act as they could have been before it was introduced. Nor is it altogether unimportant to remark that this claim to a territorial hierarchy, ' as morally necessary to the Roman Catholic Church in England,' could only be recognised according to the opinion of the Roman Catholics themselves, by a negation or denial (practically speaking) of the existing establishment, and the authority of its bishops. When Mr. Hope Scott was

See Archbishop Manning, 799–842.

See as to the powers of vicars apostolic, &c., 925–928. 947. 951. 962.

See 26–93. 94. 98. 102. 104. 193. 253. 457–459. 522–894.

asked the question, 'Then if any bishop was to intrude into the see of another bishop in this country, it would be, in the eye at least of that portion of the Church which was in this country, a schismatical act?' His answer was—

See 261–462. See also 599. 625, 626. 809–846.

"'There is no doubt at all about it. The fact is that the Roman Catholic Church would not be justified in placing bishops anywhere in England, or in Ireland, if it did not deny the authority, practically speaking, of the bishops of the Establishment; it is, of course, an issue between the two religions, which it is of no use blinking.'

"And when Mr. Hope Scott was further asked, 'But the Roman Catholic Church assume that the English Episcopate has no existence?' his answer was, 'Most undoubtedly. The appointment of any ecclesiastical officer whatever of the Roman Catholic religion, and the appointment of any priest exercising cure of souls, is a negation of the Established Church; and that is, of course, a part of the religion which is supposed to be freed by the Act of 1829.' Your Committee are surprised at this last observation, since they had always understood that the Act of 1829 had expressly declared, with reference to the assumption of territorial titles by Roman Catholic prelates, and as a reason for their not being assumed, that the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and governments thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are by the respective Acts of Union of England and Scotland, and of England and Ireland, established permanently and inviolably.' Bishop Ullathorne concurs in the observations made by Mr. Hope Scott on this part of the subject.

See 461, 462. See also 599–625, 626. 809–846.

See 10 Geo. 4, c. 7, s. 24.

975–986.

"10. Upon a full review of the whole evidence, and having carefully considered the practical operation of the two Acts which have been referred to them, your Committee can see no good reason for repealing or altering either the one or the other."

Motion made, and Question proposed, That the Draft Report proposed by the Chairman be now read a second time, paragraph by paragraph—(Mr. *Chichester Fortescue*).—Amendment proposed, to leave out the words "the Chairman," in order to insert the words "Mr. Walpole"—(Mr. *Howes*)—instead thereof.—Question put, That the words "the Chairman" stand part of the Question.—The Committee divided:

Ayes, 6.	Noes, 5.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr. Howes.
Mr. C. Fortescue.	The Judge Advocate.
Mr. W. E. Forster.	Mr. Brett.
Mr. H. A. Bruce.	Mr. Paull.
Lord F. Cavendish.	

Main Question put, and *agreed to*.—Draft Report, proposed by the Chairman, read a second time, paragraph by paragraph.

Paragraph 1, *agreed to*.

Paragraphs 2 and 3, amended, and *agreed to*.

Paragraph 4.—Amendment proposed, to leave out the words "the Act of 1851, which was passed at a period of considerable excitement, proceeded upon a misapprehension of what the Bill of 1850 was intended to effect—(Mr. *Brett*).—Question put, That those words stand part of the paragraph.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr. Howes.
Mr. C. Fortescue.	The Judge Advocate.
Mr. W. E. Forster.	Mr. Bentinck.
Mr. H. A. Bruce.	Mr. Brett.
Lord F. Cavendish.	Mr. Paull.

Whereupon the Chairman declared himself with the Ayes.

Paragraph, amended, by inserting after the word "territorial," line 3, the words, "that is diocesan."

Amendment proposed, to leave out the words "but it implies no greater claim to territorial jurisdiction than the existence of vicars apostolic or ecclesiastical superiors under other names—(Mr. *Brett*).—Question put, That those words stand part of the paragraph.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr. Howes.
Mr. C. Fortescue.	The Judge Advocate.
Mr. W. E. Forster.	Mr. Bentinck.
Mr. H. A. Bruce.	Mr. Brett.
Lord F. Cavendish.	Mr. Paull.

Whereupon the Chairman declared himself with the Ayes.

Amendment proposed, to leave out from the words "voluntary kind," line 9, to the end of the paragraph—(Mr. *Brett*).—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr Howes.
Mr. C. Fortescue.	The Judge Advocate.
Mr. W. E. Forster.	Mr. Bentinck.
Mr. H. A. Bruce.	Mr. Brett.
Lord F. Cavendish.	Mr. Paull.

Whereupon the Chairman declared himself with the Ayes.

Paragraph, as amended, *agreed to.*

Paragraph 5.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr. Howes.
Mr. T. Fortescue.	The Judge Advocate.
Mr. W. E. Forster.	Mr. Bentinck.
Mr. H. A. Bruce.	Mr. Brett.
Lord F. Cavendish.	Mr. Paull.

Whereupon the Chairman declared himself with the Ayes.

Paragraph 6.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes. 6.	Noes, 6.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr. Howes.
Mr. C. Fortescue.	The Judge Advocate.
Mr. W. E. Forster.	Mr. Bentinck.
Mr. H. A. Bruce.	Mr. Brett.
Lord F. Cavendish.	Mr. Paull.

Whereupon the Chairman declared himself with the Ayes.

Paragraph 7.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr. Howes.
Mr. C. Fortescue.	The Judge Advocate.
Mr. W. E. Forster.	Mr. Bentinck.
Mr. H. A. Bruce.	Mr. Brett.
Lord F. Cavendish.	Mr. Paull.

Whereupon the Chairman declared himself with the Ayes.

Paragraph 8.—Amendment proposed to leave out from the words, "Your Committee" to the end of the paragraph, in order to add the words, "submit for the consideration of the House whether, for purposes of legal description, certain modes of designation applicable to Roman Catholic bishops might not be adopted, whereby some inconveniences which have been pointed out to the Committee might be avoided"—(Mr. *Brett*)—instead thereof.—Question, That the words proposed to be left out stand part of the paragraph, put, and *negatived.*—Words added.—Paragraph, as amended, *agreed to.*

Paragraph 9.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr. Howes.
Mr. C. Fortescue.	The Judge Advocate.
Mr. H. A. Bruce.	Mr. Bentinck.
Lord F. Cavendish.	Mr. Paull.

Whereupon the Chairman declared himself with the Ayes.

Amendment proposed, after paragraph 9, to add the following words: "While it would tend to allay the irritation, and remove the sense of wrong which that Legislation undoubtedly

excited among the Roman Catholics of the United Kingdom"—(Mr. *H. A. Bruce*).—Question put, That those words be there added.—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Gregory.	Mr. Walpole.
Mr. M'Kenna.	Mr. Howes.
Mr. C. Fortescue.	The Judge Advocate.
Mr. H. A. Bruce.	Mr. Bentinck.
Lord F. Cavendish.	Mr. Paull.

Whereupon the Chairman declared himself with the Ayes.

Question, That this Report, as amended, be the Report of the Committee to The House,—put, and *agreed to.*

Ordered, to Report, together with the Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	Total Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Right Rev. David Moriarty -	Bishop in Communion with Rome.	Killarney - -	4	10 10 –	4 4 –	14 14 –
Right Rev. W. B. Ullathorne	Bishop in Communion with Rome.	Bingham - -	2	2 5 –	2 2 –	4 7 –
					Total - - - £.	19 1 –

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MINUTES OF EVIDENCE.

Tuesday, 9th July 1867.

MEMBERS PRESENT:

Mr. Attorney General for Ireland.
Mr. Cavendish Bentinck.
Lord Frederick Cavendish.
Mr. Wm. Edward Forster.
Mr. Chichester Fortescue.
Mr. Gregory.
Mr. Howes.
The Judge Advocate.
Mr. MacEvoy.
Mr. Paull.
Mr. Walpole.

EDWARD MacEVOY, Esq., IN THE CHAIR.

The Right Honourable Mr. Justice O'HAGAN, called in; and Examined.

Right Hon. Mr. Justice *O'Hagan.*

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1. *Chairman.*] I BELIEVE that you are one of Her Majesty's Justices of the Court of Common Pleas in Ireland?—I am.

2. You are a Member of the Privy Council, and have been Attorney and Solicitor General for Ireland?—Yes.

3. Can you state what changes in the position of the Roman Catholic Bishops were caused by the Ecclesiastical Titles Act?—I should say, in the first instance, with reference to any statement which I may make, that it will be necessarily very crude and imperfect. I am in London on my own affairs, and some of the gentlemen connected with this inquiry have thought it desirable that I should say something upon it. I am therefore unprepared with statistics or with documentary information; and I shall be able simply to give my impressions as to the results of the measure in question in my own country. I desire to confine my observations to Ireland. I do not profess to understand its influences in England, and I know that there are eminent persons here who will speak about them more satisfactorily than I can profess to do. I wish further to say that I do not mean to advert to any matters which can be the subject of legal controversy before a tribunal such as that of which I am a member. Having premised so far, I may observe, in reply to the question of the Chairman, that the difference between the position of Roman Catholic bishops under the Ecclesiastical Titles Act, and their position under the Emancipation Act, appears to me to be this. The Emancipation Act precluded any Roman Catholic bishop, under a penalty, from assuming the title of any Protestant bishop, that is to say, the title to any see then occupied by a Protestant. It did not prevent the assumption of a title, not the title of a Protestant bishop. The Ecclesiastical Titles Act, as to the subject of inquiry here, appears to me to differ from the Emancipation Act in two important particulars. The first is, that whereas the Emancipation Act precluded a Roman Catholic bishop from taking a Protestant bishop's title, the Ecclesiastical Titles Act precludes any Roman Catholic bishop from taking any title in connection with any territorial jurisdiction within the United Kingdom. That is the first material difference. The second difference is this, that, whereas the Emancipation Act precluding, as I have said, a Roman Catholic bishop from taking the title of a Protestant bishop, did not profess, or aim, to destroy the jurisdiction of the Roman Catholic bishop, but was a mere penal Act, depriving him of the title; the Ecclesiastical Titles Act, on the contrary, in its first section appears to me to go much beyond that, for it makes absolutely null and void all rescripts, bulls, and other instruments, under which a Roman Catholic bishop may be appointed, and must be appointed, and also all jurisdiction derived from such documents. The difference, therefore, is very material, and it is, perhaps, peculiarly material, with reference to Ireland, in this respect, that in Ireland we had an ancient settled hierarchy, our condition in that respect being different from the condition of England, which had vicars apostolic up to 1851; and a number of the sees in Ireland which the Roman Catholic bishops occupy are not sees which have been occupied, or are at present occupied, by any Protestant bishop. Therefore, there is a peculiar grievance, with reference to Ireland, in that respect.

4. Has the Ecclesiastical Titles Act in its practical operation produced socially, or otherwise, injurious effects?—I think it has, in Ireland, and I shall state in a few words what I conceive those effects to have been. I think that the first and the great mischief produced by the Act in Ireland has been, to a large extent, its tendency to separate the Roman Catholic hierarchy from the Civil Government; I think that that is a very great evil, in a social point of view. Before the passing of the Titles Act, and after the

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the passing of the Emancipation Act, the relation of the Roman Catholic hierarchy to the Executive of Ireland was different from that which had existed since; although, as I have said, to a limited extent the Roman Catholic Emancipation Act was penal, preventing the assumption of certain titles, it was never enforced in that regard, and it was not very much thought of. The Act which was introduced in 1844 by Sir Robert Peel, and which at the time was the subject of great, and I think unfortunate contention in Ireland, the Charitable Bequests Act, professed to acknowledge, and in point of truth did acknowledge, the existence and the dignity of the episcopacy of the Roman Catholic Church. That Act is the 7th & 8th of Vict. c. 97. I am now speaking of the position of the Irish Roman Catholic hierarchy with reference to the Government and society of Ireland, and I say that Sir Robert Peel's Act of 1844, the Charitable Bequests Act, in the 15th and 16th sections, recognises the existence of Roman Catholic archbishops and bishops in Ireland, expressly calling them so; it speaks of them as "in holy orders of the Church of Rome officiating in any district."

5. Mr. *Cavendish Bentinck.*] It besides that includes other persons in holy orders?—It does, but I speak now only of archbishops and bishops. You will find the object of those sections to be, to enable the archbishops and bishops, through the instrumentality of the Bequests' Board to take certain endowments for the purpose of residence, and other purposes, and to be the administrators of those endowments, under the control of the Commissioners of Charities in Ireland. That Act of Parliament did not interfere with the Emancipation Act in reference to the matter of territorial jurisdiction, on the contrary, it spoke of the "archbishops and bishops in holy orders of the Church of Rome, officiating in any district,"—not as of the district, but as officiating within the district. The policy of that Act was perfectly clear; it was to recognise the Roman Catholic church in the persons of its highest ecclesiastical members in Ireland, that is to say, in the persons of its hierarchy, and to give them such importance as a Statute could afford them, aiding them to establish themselves permanently in the country, by putting under their control endowments voluntarily made, and to be administered in a certain way specified by the Act of Parliament. Such being the policy of that Act, it was followed up in practice by the Executive Government of the day, and by subsequent Executive Governments. They could not recognise a Roman Catholic bishop as of a particular district, in the face of the Emancipation Act, but they did all they could, in consistency with it, by giving the Roman Catholic bishops precedence upon that Board and otherwise, and by giving them such titles as were admissible under the law of the land as then existing. You will find, if you look to the appointment of the original Board, that there were upon it the then Roman Catholic primate, the Most Rev. Dr. Crolly, and also the Most Rev. Dr. Murray and Dr. Denvir; two archbishops and one bishop were upon it, and you will see that the position which they took with reference to other people in official rank, was particularly recognised.

6. Mr. *Walpole.*] Have you a copy of that appointment?—No.

7. Can you obtain a copy of that appointment?—Certainly. When I go to Ireland, I shall get any document to which I may refer, and which you may wish to have. The relation of the Roman Catholic archbishops and bishops to other people of rank upon that Board was recognised emphatically by an Act of State in their appointment upon that occasion. And more than that, you will find that the titles given to them, though they were not territorial titles, were titles of a very high character; for instance, Dr. Crolly was called His Grace the Lord Archbishop William Crolly, and the suffragan bishop was called the Lord Bishop; and, in fact, we have upon our table at present (I am one of the Commissioners) the books which belonged to these prelates with their titles endorsed in gold letters. I say this for the purpose of showing, that at that period, and for a considerable time afterwards, there was a full recognition of the social position arising from the ecclesiastical position of the prelates of the Roman Catholic Church in Ireland, by the Executive Government. That being so, there continued, as I remember, up to the period of the actual passing of the Ecclesiastical Titles Act, a harmonious relation between the bishops and those in civil authority. When the Queen came to Ireland in 1849, the Roman Catholic hierarchy attended Her levee. They were recognised as Roman Catholic bishops; their social status was ascertained, and they had, exactly as in the appointments under the Bequests Act, certain relations in rank to other people of different religions in the country, of the greatest consideration and importance. They took high precedence.

8. Mr. *Gregory.*] They took precedence?—They did; I am afraid to trust myself to speak precisely upon the matter, because I have had no opportunity of looking at any documents. But I shall be able to procure some note of their actual precedence, and attach it to my evidence. That was in the year 1849. And not only with reference to the Queen, upon her appearance in Ireland at that time, but with reference to the Executive Government, their rank being thus acknowledged, it was the habit very much for the Roman Catholic prelates to be in cordial relations with the Lord Lieutenant—dining with him, and meeting him from time to time. And so an intercourse of a very friendly character existed at that period between them, as I thought, and think still, with very great public advantage. This went on until the passing of the Act of 1851, the Ecclesiastical Titles Act, and from that time forth, so far as I know, there has been no such intercourse, and no such relation between the Roman Catholic hierarchy and the Executive Government. And the reason of that is perfectly plain and intelligible, for it was, I think, as you might expect, that archbishops and bishops would not go to places in which not only their titles were denied, and could not be conceded to them, but in which their very ecclesiastical existence as Catholic prelates must necessarily also be denied. It is not for me to say why they refused to go to such places, but in point of fact it has been so, and that is the condition of things up to the present period. It is curious to note what has occurred lately with reference to one of the most eminent men in the Church, Cardinal Cullen. He must have had almost insuperable difficulty, as Archbishop of Dublin, in going to a public entertainment to the head of the Executive; but as Cardinal Cullen

Cullen he has had none in meeting the Viceroy at a Lord Mayor's banquet, and his health has been drunk with enthusiasm, as a Prince of the Church. This is a curious illustration of the working of the Act. As the law now stands, I see no reason to expect that there will be a renewal of cordial personal intercourse between people in authority in secular affairs, and those who rule the Catholic Church in Ireland in a spiritual fashion. I think that is a great calamity, especially in a country like Ireland; as there, in a special manner, for the purpose of arranging social affairs, and maintaining law and order in the country, you want all the help which can be got from any quarter, and those who know anything of the subject know what weight and influence the Roman Catholic hierarchy have with the masses of the people in Ireland. It is perfectly true that their exclusion from the relations which formerly existed between them and the Executive Government has not at all affected their discharge of their duties to the country and the State. What their conduct has been latterly, with reference to the Fenian transactions in Ireland, is a matter of notoriety. It is known that they have done their very best to aid the Executive in enforcing the law; but I think that any Statute which tends to break the connection of independent bishops (for they are perfectly independent, and must continue so) by friendly communication with the Executive Government is injurious; it produces alienation; it produces a want of co-operation and of counsel, which oftentimes may be of extreme necessity to the administration, and it tends to that theocratical antagonism and isolation which cannot fail to operate much evil in civil affairs. That appears to me to be the first, if not the great, mischief which has been done in Ireland, socially, by this measure; I think that there are also other mischiefs. The Act, you are aware, has been perfectly abortive; it was obsolete and dead on the day of its enactment. I know very few things worse than to have a law which is not obeyed, and which from its nature is not likely to be obeyed. The law in question here was, as I say, obsolete on the very day of its enactment; it was dead, and it never has had any effect at all; it never has been administered by any Government of any class, or character, or party in the country. Two considerations may account for this. In the first place, the very character of a Roman Catholic bishop, and the essential nature of his office and appointment, seem to render it impossible that he should avoid the breaking of this law, although he may do so, in such a way that the evidence of his breaking it may not be very easily obtained. A Catholic bishop requires to have orders as a bishop, giving him power to act as a bishop. He requires further to have jurisdiction. Without jurisdiction as well as orders he cannot officiate as a bishop. Now, jurisdiction involves locality; it involves the spiritual control of certain people within a certain limit, and the result of all that is, that almost every act which is done by a Roman Catholic bishop, from the hour of his appointment until the hour of his death, implies the assertion of local jurisdiction, such as is condemned and nullified by this Act of Parliament. In the consecration of a prelate, in the ordination of a priest, in the administration of the Sacraments of the church, and in all his intercourse with the See of Rome, he asserts that jurisdiction, without which it is impossible that he can be a bishop; and this being so, it becomes very difficult to see how, if the Roman Catholic Church exists at all in the country in which this Act of Parliament operates, a Catholic bishop can really be obedient to the law, whatever may be his apparent submission to it, and though they may endeavour as far as they can to accommodate themselves to it in their public acts; but it is impossible that they can submit to it in the discharge of their spiritual duties, which in their estimate are their paramount and far highest duties. But more than this, you have in this Act of Parliament a law which antagonises all the feelings and all the opinions of the people among whom, at all events in Ireland, it is to operate; they know that they have bishops; they know that they have had bishops from the earliest days, and they know that those bishops have had, and have, spiritual jurisdiction, and accordingly they are of necessity in antagonism to the law, which is opposed to their traditions, and requires them to deny the existence of notorious facts.

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9. Mr. *Walpole.*] That is your third reason?—Rather, second reason. I think that the law is injurious, because it is not operative, and is not likely to be operative; and I think that in Ireland, of all countries in the world, it behoves the Legislature to take care to limit the action and existence of such inoperative laws as that. In Ireland we are, I am thankful to say, improving as respects obedience to legal authority. We have heretofore, not had too much deference to it, or too much love of it. I need not go into historical or other details to account for this, but the fact is so; and although I thoroughly believe, and rejoice in the belief, that there is among the well-conditioned people in Ireland, a growing respect for the law, notwithstanding all that has happened in the outrages of later times, and that there is a growing trust in the administration of it which, so far as the people are concerned, has undoubtedly improved in Ireland, yet we are, I think, above all countries in the world, unfit to have the application of a Statute like this, which goes against the general sentiment of the country, and wars with the consciences of those who are the highest persons, in a spiritual sense, to whom the people look. And it is hard to see good reason why that Statute should be maintained, when everybody knows that, heretofore, it has never been enforced, and probably, so far as anyone can judge, is not likely to be enforced in any after times. That I would say is the second point to which I would invite the attention of the Committee. The third point is this: it does not perhaps, precisely grow out of a consideration of the Ecclesiastical Titles Act, but it has much connection with that Act. We find a great deal of inconvenience from the want of some safe and easy mode of devolving trust property from time to time. The Roman Catholic Church in Ireland is a voluntary church, maintained by the people, of their own free bounty; it is a church which can only be maintained by the bounty of the people; and the people are very bountiful, not to the church alone, but also to charities of all kinds which pervade the country from end to end. As the law now stands, the clergy, to a large extent, are naturally the trustees of those charities. To a very large extent, the charities are for the benefit of the church itself; to a large extent, also, they are for the benefit of institutions in relations with the church, and immediately in connection with it;

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it; and accordingly those charities are, as I have said, under wills and under deeds of gift, very much in the disposition of the clergy. If, in such cases, the property could go to the bishop, or to the parish priest, and to his successors (who would so be constituted corporations sole), a good deal of danger and of expense would be saved. As the matter now stands, the necessity is that, when you give a sum of money or a piece of land for the purposes of a charity, you must arrange a complicated system of trusteeships, and you must provide very specifically that when one of the trustees dies his place shall be filled by another, and so on. The result is, that in almost every case of a charity in Ireland, a great amount of costs is incurred in multiplying trust deeds from time to time, and, even so, no one can be very certain that injury may not happen to the charity from the trust failing altogether, because if there be a want of careful supplementing of the trustees when a vacancy occurs, the estate may ultimately come, and does sometimes come, down to the last trustee, whose representative or heir will take the legal interest in it. Through the assistance of a Court of Equity, mischief may be prevented, but the risk of it is considerable, and the inconvenience may be serious. I do not wish to suggest to the Committee any form of report upon this subject, but I speak of it as having a general bearing upon the question which they have to consider. Undoubtedly if any system could be devised consistently with propriety, and the public interest, enabling persons who give money or land in charity in Ireland to have it safely continued in the particular line to which they dedicate it, without expense, and the apprehension of danger, this would be a very great advantage in many important cases. I have nothing material to add to what I have already stated; but I ought to say that in making these hurried suggestions, such as they are, I do not wish to be understood as at all speaking in the interest of the Roman Catholic hierarchy of Ireland. So far as they are individually concerned, they really have nothing to gain by a change, and nothing to lose by a continuance of the existing system. They have the same titles universally given to them as those which would be given if the Act were repealed, because the law, as some of the Committee perfectly well know, is that, although a bishop cannot assume the title, anybody in the community may give him that title without disobeying the law. There is no penalty upon a man for giving the title to a bishop, though there is a penalty upon the bishop for taking the title. Therefore there the same dignity is conceded, and the same reverence and affection are shown to the bishop from his flock, as if the Titles Act had never been passed, and perhaps from the very fact of his subjection to a penal law, that dignity is increased, and those feelings are intensified. I do not wish to be understood as speaking thus in the interest of the Roman Catholic hierarchy; or exclusively in the interest of the Catholic community. I am speaking in the interest of the good Government of Ireland, when I urge that the legislation for that country should be made to acknowledge, and not to ignore or deny, the truth of facts which exist, and that the law should be made to harmonise with the feelings and opinions and traditions of the people. Before I conclude, I desire to call the attention of the Committee to the Act of the 12th Vict. c. 136, which regarded the establishment of a Roman Catholic hierarchy in Canada.

10. Mr. *Chichester Fortescue.*] Is that an Imperial Act?—It is a Canadian Act, but it has, of course, received the proper confirmation. It provides that "the Archbishop of Quebec, in communion with the See of Rome," and his brethren, shall constitute an Ecclesiastical Corporation, recognising him as clothed with a territorial title, and giving him and others ample powers to receive property, and to dispose of property, with rights of succession for public purposes. It appears to me that that is an Act of Parliament which is worthy the best consideration of the Committee. I do not know that the circumstances of Canada are more peculiar or exceptional with reference to a question of this sort, than the circumstances of Ireland; and legislation such as this has made the Canadian people so lately turbulent and rebellious, amongst the most obedient, loyal, and attached of all the subjects of the Crown. These are the only observations I have to make to the Committee.

11. Mr. *Attorney General for Ireland.*] There may be a considerable distinction between an Act of Parliament prohibiting territorial titles, and an Act of Parliament prohibiting actual jurisdiction?—Certainly.

12. I suppose you are aware that the Act of 1851, which we are considering here, was entirely confined to the assumption of territorial titles?—I believe that was the object of it, but I think that the first section goes beyond its object.

13. Have you looked at that Act this morning?—I glanced at it before I came here.

14. Allow me to call your attention to the preamble of it in the first instance, which is very important with reference to the clauses: it first recites, "Whereas divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishop and bishops of a pretended province, and of pretended sees or dioceses within the United Kingdom, under colour of an alleged authority given to them for that purpose by certain briefs, rescripts, or letters apostolical, from the See of Rome." The Act of the 10th of George the 4th, c. 7, s. 24, is then recited. The preamble then recites, "And whereas it may be doubted whether the recited enactment extends to the assumption of the title of archbishop or bishop of a pretended province or diocese, or archbishop or bishop of a city, place, or territory, or dean of any pretended deanery in England or Ireland, not being the see, province, or diocese of any archbishop or bishop, or deanery of any dean recognised by law;" and it then proceeds to recite, "but the attempt to establish, under colour of authority from the See of Rome or otherwise, such pretended sees, provinces, dioceses or deaneries, is illegal and void: And whereas it is expedient to prohibit the assumption of such titles in respect of any places within the United Kingdom." Then it proceeds to enact, "That all such briefs, rescripts, or letters apostolical, and all and every the jurisdiction, authority, preeminence, or title conferred or pretended to be conferred thereby, are and shall be and be deemed unlawful and void." If you look back to the preamble to which that word "such" refers, is it not confined by that word of reference to the briefs, rescripts, and so forth, which are referred to in the preamble, namely, the briefs, rescripts, or letters apostolical, which are designated as under

under colour of authority from the See of Rome, to establish these pretended sees, that is to say, the sees having territorial titles?—Yes.

15. Looking to that, are you still of opinion according to that Act of Parliament, that "such briefs," and so forth, refer to any sees but those containing territorial jurisdiction?—I do not mean to say that they refer to anything else; but whereas the Act of 1829 merely under a penalty prevented the assumption of a territorial title by a bishop, the first section of the Act of 1851 appears to me to go much further than that, because it provides, "That all such briefs, rescripts, or letters apostolical, and all and every the jurisdiction, authority, pre-eminence, or title, conferred, or intended to be conferred thereby, are and shall be, and be deemed unlawful and void." The provision is not only that a bishop shall not take a title, but that the title itself, and the jurisdiction given to him by the brief or rescript, shall be null and void. That appears to me to be an additional piece of legislation, be it good or bad.

16. Is it not confined to briefs, and so forth, imposing a title derived from locality?—I think it is.

17. Are you aware that, in England, up till shortly before the passing of this Act, I believe up to the year 1850, no territorial titles were ever assumed or used by the English Roman Catholic bishops?—We had a settled hierarchy in Ireland, in which there were necessarily bishops of sees, but, in England, it was otherwise, and the persons who held the position of bishops, were vicars apostolic, and they were bishops *in partibus infidelium.*

18. But they were, in England, in the habit of discharging the functions of bishops?—Yes.

19. And they had full power of administering ecclesiastical and spiritual functions by their clergy?—They had. The vicars apostolic had ecclesiastical jurisdiction in England also.

20. But without the assumption of the title of a see, derived from any locality?—They were bishops *in partibus,* and had not titles from English sees.

21. Bishops *in partibus* could exercise local jurisdiction in England?—Yes.

22. And also in Ireland?—Yes. But I apprehend that even in that case, there should be a designation of the English or Irish district in which such a bishop should act.

23. Is it not the case that neither this Act of Parliament nor the Emancipation Act, goes beyond the assumption of an episcopal territorial title?—I am not prepared to say so. The enactment of 1851 to which I have referred, appears to nullify the existence of a Catholic hierarchy with territorial jurisdiction within these realms.

24. Is your answer strictly correct, when you say "with territorial jurisdiction," or is it not rather, under the words of the Act of Parliament, "with territorial title:" is there not a clear distinction between the two as plain as can be upon the words of the Act?—No doubt there is.

25. And is not the whole purview of that Act to prevent the assumption of a territorial title, and not to interfere with the exercise of a territorial jurisdiction?—It seems so; but I should be very sorry to express an opinion that the enactment might not be held to go a great way beyond that, whatever may have been the intention of those who framed the Act.

26. If the Pope by any of these briefs or rescripts constituted a bishop *in partibus,* and constituted a bishop to exercise his functions in a district, would there be anything to prevent that bishop from doing so within that particular locality just as much as if he had been constituted Bishop of Bristol?—He could do so; but his position would not be that of a bishop in a settled hierarchy.

27. You say, that by the Charitable Bequests Act, the dignity of the Roman Catholic bishops was recognised; that Act confers no territorial title whatever upon any Roman Catholic bishop?—Certainly not; in Ireland we have been obliged, in conveyancing, to follow the phraseology of that Act of Parliament, and to describe the bishop as a bishop, exercising episcopal functions according to the rites and discipline of the Church of Rome within a specified district.

28. In a particular diocese?—Yes.

29. I suppose that neither the Act of 1851, nor the Emancipation Act, interfered with the social status of a bishop in any way, except so far as to preclude his assuming a territorial title?—Not with his social status.

30. Then, in that respect, they do not in any way interfere with the provisions of the Charitable Bequests Act?—I must decline to give an opinion on that point. I have already said, that upon any matter which may possibly become a subject of legal controversy, I would rather not give an opinion, and that observation applies to the question you have put.

31. I believe that in the titles which have been given in the different documents which have been executed under the Charitable Bequests Act by the Board of Charitable Bequests in Ireland, when they have described a Roman Catholic archbishop or a Roman Catholic bishop, they have abstained from designating him as the archbishop of any province, or the bishop of any diocese?—Certainly.

32. But in other respects they recognise his status as an ecclesiastical functionary?—Exactly so.

33. I believe that the same rule was adopted at the time of the Queen's visit to Ireland?—I think so.

34. His spiritual dignity was recognised, but not with any locality?—Certainly, without any reference to the locality, but precedence as between persons of rank, *e.g.,* barons, bishops, and dukes, was recorded.

35. Mr. *Walpole.*] When the Roman Catholic archbishop and bishop were presented, for instance at the Queen's levee, under what designation were they presented?—I should say that it would be as archbishop so and so, and bishop so and so; I do not think that they were presented as archbishops or bishops of particular districts. That is my impression, but I should like to look into it, because I have had no opportunity of verifying anything which I have said as to matters of this sort.

36. Mr. *Attorney General for Ireland.*] When you referred to the change in the social intercourse of the Roman Catholic hierarchy, has not that been entirely voluntary on the part of the Roman Catholic bishops themselves?—It has been voluntary as proceeding from a sense of propriety and with reference to the operation of the Act. It has not been spontaneous.

37. Did they take umbrage at the Act of 1851, and decline invitations which before that time they

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they accepted?—I can only say that, before 1851, one course was pursued, and that, after 1851, another course was pursued. I cannot answer for the motives of individuals, but I draw the inference that the cause was the intervening Act of Parliament; and I think that it was reasonably and naturally productive of the actual result.

38. Mr. *Chichester Fortescue.*] Have you any doubt that that was the cause?—Not the slightest, and no one in Ireland has any doubt about it.

39. Mr. *Attorney General for Ireland.*] As to the second clause of the Act of 1851, you have very correctly stated that there is a distinction between the assumption of a title by people themselves, and the ascription of it to them by others?—Certainly.

40. It is taking the title which is prohibited by the Act?—Yes.

41. As a general rule, have these bishops abstained from assuming those titles since the Act of 1851?—Some of them may have assumed the titles, but as a general rule I think that they have abstained from doing so in the ordinary transactions of secular life.

42. You have stated that there is a difficulty with regard to the devolution of charitable property. Does not the Charitable Bequests Act provide a machinery by which gifts either by deed or by will may be given in trust to archbishops and bishops of the Irish Church?—To a certain extent.

43. For the purpose of the endowment of their sees and glebes, and providing sites necessary for a church or for schools?—Yes; but my observation went considerably beyond that; I said that ecclesiastics naturally and properly became the trustees of charities, not merely for the endowment of the church, but for various purposes, some cognate and connected with it, and others not. I do not now exactly remember the words of the 15th section of the Bequest Act, but I think that it is confined to endowments for the church.

44. Are you aware that there is an Act of Parliament in force, both in England and in Ireland (I think that it is the 13th and 14th of the Queen), providing expressly that the property given for these purposes, for the endowment of the churches of any religious denomination differing from the Church of England, or for the purpose of providing residences for the clergy of any such religious denomination, or for the purpose of providing sites for schools or glebes, shall devolve by mere operation of law under the provisions of that Act, provided that the original gift, or any subsequent deed, executed by the congregation or members of that church, shall so arrange without any change in the appointment of the trustees?—I think that such an Act was passed for the benefit of the Presbyterian people of Ireland.

45. Was it Judge Keogh's Act?—I really do not know what Act you are speaking of. I know that Judge Keogh's Act has been considered in some cases applicable for Roman Catholic purposes, but I am not aware of the Act of which you speak.

46. I apprehend that the only inconvenience now resulting as to the devolution of charity property is, that no corporate existence is recognised in the Roman Catholic bishops?—That is so, substantially.

47. And the complaint made upon that subject would be avoided by constituting them corporations, and allowing a property once vested in them to descend from the predecessor to his successor in regular chain, without the intervention of new trustees?—That would meet a great part of the difficulty of which I have heard conveyancers and solicitors in Ireland continually complain.

48. Mr. *Walpole.*] Although that is in some degree germane to the Act, it is not strictly connected with it?—No; but I think that there is so much practical inconvenience in that respect that if the Committee should see their way to doing anything to remedy it, it would be good to apply a remedy.

49. Mr. *Chichester Fortescue.*] When you speak of territorial jurisdiction, and attribute territorial jurisdiction to an ecclesiastical authority, will you define that expression?—I mean by territorial jurisdiction the care of souls within a certain district; I do not mean any jurisdiction over the land of the district, or any civil jurisdiction in the world; I mean that, within a certain territorial ambit, the people are under the spiritual control and guidance of a particular individual.

50. Do you not think that such terms as "territorial jurisdiction" and "territorial titles" are apt to cause a great deal of confusion in people's minds upon this subject?—I am afraid that they did so in the year 1851.

51. And in the year 1867?—I do not know; I suppose that what happens in one year may probably happen in another.

52. When you speak of the territorial jurisdiction of a Roman Catholic bishop, you mean his jurisdiction *in foro conscientiæ* over all the inhabitants of that district who choose to follow his spiritual guidance?—Yes; who are his spiritual children, and over whose souls he has spiritual supervision.

53. I suppose that as a religious question *in foro conscientiæ*, that bishop may conceive that all the inhabitants of that district, or of the country in general, ought to follow his spiritual guidance?—He thinks that he is right, and would desire that everybody should adopt the faith and the practices of the church he holds the true one.

54. Probably the Bishop of Glasgow would think that all the Presbyterians in Glasgow ought, as a matter of religion, to be members of the Episcopal Church, with apostolic succession, of which church he is a bishop?—Certainly.

55. But the law, I suppose you would say, has nothing to do with those questions?—It has nothing whatever to do with them.

56. I suppose that the business of the law is to recognise, as far as is right and safe, the facts of the case, and to provide convenient designations for legal and other purposes, for these several ecclesiastical personages?—I think so. As I said before, I think that legislation ignoring or denying plain facts, does a great deal of harm.

57. Do you see any distinction of such a substantial kind as the law need recognise between a district and a diocese?—No; I do not think that there is any substantial difference between them; a diocese is a district of a particular kind, so far as local description is concerned.

58. Do you see any substantial distinction which the laws of the country need recognise between a vicar apostolic deriving his spiritual authority from Rome, and exercising it over the Roman Catholic inhabitants of a certain English

English district, and a bishop deriving his episcopal authority from Rome, and exercising the same species of so-called jurisdiction over the Roman Catholic inhabitants of the same district, when converted into a diocese?—I see no reason for a law operating in the one case which would not apply by its operation in the other, but I do not think that law ought to operate in either case in the way in which it does operate here.

59. I presume that the vicar apostolic derived his spiritual authority as directly from Rome as the bishop does now?—Clearly and distinctly.

60. And whatever spiritual claims he may have made over the inhabitants of the particular district, with which as you say, in your opinion, the law has nothing to do; those claims are the same now as they were then?—Precisely; there is a difference in diocesan arrangements, in the fixity of position, in the operation of canonical laws; but the authority, in the one case and the other, *quoad* this inquiry, is derived from the same source, and is of the same nature.

61. But you would say that there ought to be some convenient designation of a Roman Catholic bishop recognised by law?—For instance, the designation in the Canadian Act, of which I have before spoken, and which was ratified in England, is "the Archbishop of Quebec in communion with the See of Rome"; I see no objection for my own part to some such designation; and, for my own part, as a Catholic, I have no objection to be described, or have a bishop described as a "Roman Catholic"—that is a member of the one church Catholic, in communion with the Holy See. I say this for myself, and as my own opinion, I do not speak for others.

62. Do you think that there is any rational and convenient designation of a Roman Catholic bishop at present recognised by law?—I do not exactly understand the question.

63. Do you think that the mode in which the law now compels the framers of an Act of Parliament or of a legal document to describe the Roman Catholic bishop of a Roman Catholic diocese is a rational or convenient state of things?—I do not think that it is convenient; I do not think that it is according to the fact. It is, no doubt, intelligible. By a roundabout process, borrowed from the Charitable Bequests Act, conveyancers in Ireland manage to describe a bishop tolerably well, that is to say, as a bishop having jurisdiction within a certain district, not the bishop of the district, but a bishop who, according to the rites and discipline of the Roman Catholic Church, acts as bishop within the district; I think that it is an inconvenient way of speaking. It would be better to recognise the fact; he is the Catholic bishop of the district.

64. You think that a designation might be easily provided by law, which should recognise the facts of the case without implying any authority on the part of that bishop over any persons except those of his own communion?—I really think so.

65. And such a designation as Roman Catholic bishop or archbishop of such and such a place, would, in your opinion, be satisfactory to members of that church?—Yes; but I repeat that I say this with diffidence, and only for myself, as I have no authority to speak for anybody else. I do not think that Catholics should object to be called Roman Catholics, because the description at once indicates the catholicity of their church, and its connection with the See of Rome, which is of the essence of its spiritual government.

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66. Mr. *Cavendish Bentinck.*] Did I rightly understand you to say that there was a difference between the position of Cardinal Cullen before the passing of this Act, and his present position?—In this way: he was formerly Archbishop of Dublin: he is now the Cardinal Archbishop of Dublin; but his title as cardinal may be used without the title of archbishop. The result of that, is this: his title as Cardinal Paul Cullen is a perfectly legal title, so far as I know.

67. And it remains so?—And it remains so, and he uses it accordingly, though the law will not allow him to call himself Archbishop of Dublin; therefore, it would have been difficult for him to have gone to meet the Viceroy at a public dinner, at which his health was to be drunk, in the usual way, if he was to be called Archbishop of Dublin; but nobody had any difficulty in drinking his health as Cardinal Cullen, and as a prince of the church.

68. He would be equally Cardinal Cullen after the Act as before it?—Quite so.

69. Did I rightly understand you to say that you consider that it is not for the interest of the Roman Catholic Church in Ireland that the bishops should be elected into a corporation sole?—I think the change desirable, not so much for the purposes exactly of the Roman Catholic Church in Ireland, as for the convenience of the devolution of charity estates. I think that it would be a great convenience that there should be a power of succession, limited and guarded as might be arranged, in ecclesiastical persons as corporations sole. The difference, as I have said before, is practically a difference of degree; you may manage such matters by a machinery of trusts; but it costs more money, and is more inconvenient, and I do not see any harm on the other side. I do not know what mischief would be done by the change.

70. Should you extend that to other sects?—I see no objection.

71. Would you extend it to Mr. Spurgeon, for instance, at his Tabernacle?—That is a very wide question. I do not profess to know anything about Mr. Spurgeon; but I see no reason in the world why, if there be a constituted church, the heads of it should not have civil succession. In the Act, which has been referred to, of the 13th & 14th Vict., something very like this is done. There is a devolution, because there is a constituted congregation; it would be a matter of manipulation rather than of anything else; I see nothing against the provision in principle.

72. That is to say, you wish to get rid of the intervention of trustees?—Yes, in certain cases.

73. I suppose that you do not consider that there is any greater hardship on Roman Catholics than on other Dissenters by the intervention of trustees?—The masses in Ireland, who are Roman Catholics, need greater charities for their poor than any other religious body, and they give abundantly; they are, therefore, more affected by the inconvenience of which I have spoken. If the others were as charitable and as numerous, and as poor, they would suffer just the same.

74. Then you would like to have all these funds vested in the clergy, without any intervention of trustees?—I have not said that I would like it, but I say that it would be a convenience in a number of cases that it should be done. In many other cases, I should not desire it at all.

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75. Lord *Frederick Cavendish.*] In your opinion, is there any general feeling among Roman Catholics in Ireland, that this Act is a hardship, or is a grievance to them?—Yes, I think that there is a very general feeling in that direction. I know that when the Act was passed, the indignation in Ireland was very strong indeed, and greatly for this reason:—I do not desire in the slightest degree to draw a distinction between England and Ireland for the purposes of legislation, or of this inquiry; but it was felt in Ireland that legislation for that country, at all events upon this subject, was utterly unprovoked and uncalled for. We had had an ancient hierarchy from time immemorial. Nothing had changed the circumstances of the Catholic position from the period of the passing of the Emancipation Act, and the extension of its penal clauses was regarded as gratuitous and a wrong. Accordingly the whole of the Irish Roman Catholic Bar passed resolutions expressing their sentiments against the Titles Bill, and the entire Catholic people protested as strongly as they could against the passing of it.

76. Do you think that that feeling has remained as strong since they have found the Act to be inoperative?—Thoughtful men in Ireland, whether Protestants or Roman Catholics, very much concur, as I believe, with the view which I have presented as to the social evil of disconnecting the Roman Catholic hierarchy, as a perfectly independent body, from amicable relations with the State.

77. Mr. *Forster.*] I suppose that the very element of the Roman Catholic organisation is the division of the country in which the religion is professed into parishes and districts?—Certainly.

78. I should be right in supposing that it would be impossible for them to carry on the work of their clergy without such parochial division?—Quite so. As I have said, a bishop cannot be a bishop in the Roman Catholic Church without specified jurisdiction of that kind, either here or elsewhere; it is of the essence of his office.

79. Am I right in supposing that it is absolutely necessary that the authorities of the church should designate a bishop as a bishop of some place or another?—I believe it to be absolutely necessary according to the practice of the church.

80. Is it not the case that it would be difficult for such a very important part of the religious practice of the Roman Catholic Church as confession to be administered without such an arrangement?—Quite so; but the reasons of the rule need not be inquired into; there it is; it is the law.

81. That is a necessary condition of the profession of the Roman Catholic religion?—Absolutely; as I have said, a bishop gets orders, and he gets jurisdiction; if he gets orders simply without jurisdiction, over a certain number of people to be subject spiritually to him, he cannot be effectively a bishop.

82. I believe that I am right in supposing that the practice in England used to be for a bishop to be designated instead of the Bishop of Westminster, or of any well-known place, by some other name, such as Mesopotamia?—A bishop *in partibus infidelium.* Where there has once been a bishopric in the Roman Catholic Church, it is assumed that that bishopric will continue a bishopric. When a person is appointed as a bishop, for whom no diocese is open, as a coadjutor to a living bishop, he has attached to his name the name of a diocese *in partibus* to give him local jurisdiction.

83. Then the result on the one hand of the profession of the Roman Catholic religion, and on the other hand of the English law, was, that the Roman Catholics found themselves forced to designate their bishops by a miscellaneous title, and one hardly consistent with fact?—No; I do not quite know that; England was what was called a missionary country; there was, in later times, no settled hierarchy till 1851; till then the Holy See had not constituted the ancient hierarchy here again.

84. Is it the fact, that in Ireland the Pope and all the Roman Catholic authorities designate the bishops, in spite of the law, as bishops of places in Ireland?—I cannot speak upon that point, of my own knowledge; but I take it, that in dealing with the Pope, the bishop must be described by his title; and that in his consecration of another bishop, or in his ordination of a priest, and in many other functions, the same thing would occur.

85. The fact of having such a law as the Ecclesiastical Titles Act, obliges one of these two things, either that the Pope and the other Roman Catholic authorities will do what they can towards breaking the law by designating the bishops contrary to the law, or that they will be obliged to resort to the expedient of designating them bishops *in partibus?*—Perhaps so.

86. They must either break the law, or resort to some evasion which, I suppose, would be considered rather humiliating?—That would not be done at all where there is a settled hierarchy; it could not be done.

87. Since the law was passed, has it not become much more usual in society for the Roman Catholic bishops to be addressed simply as archbishop or bishop, and not as archbishop or bishop of a place?—I think that the practice remains exactly as it was; I do not think that there is the least difference in general society; the bishops are usually addressed as "My Lord," or "Your Grace."

88. What is the usual address upon a letter?—That depends upon circumstances; some people address a bishop by the territorial title, and others do not; I do not think it is considered of any great consequence; there would be no illegality under the Act of Parliament in addressing a bishop by his territorial title; there might be a danger in the bishop opening the letter and reading it, and so taking the territorial title to himself; that is one of the points upon which I decline to give any opinion.

89. The fact is, that the law is a dead letter, and a sham?—I should be sorry to say that any law was a sham, but this certainly is a dead letter.

90. Have you observed the 3rd section in the Act?—Yes.

91. Can you explain to me exactly what that 3rd section professes to provide?—The section is, "This Act shall not extend or apply to the assumption or use by any bishop of the Protestant Episcopal Church in Scotland exercising episcopal functions within some district or place in Scotland of any name, style, or title in respect of such district or place; but nothing herein contained shall be taken to give any right to any such bishop to assume or use any name, style,

style, or title which he is not now by law entitled to assume or use." There are bishops in Scotland using territorial titles, and this section would leave them untouched by the penalty.

92. Am I right in supposing that the Protestant Episcopal Church not being the Established Church of Scotland, this Act provides that the bishop of a church, not the Established Church in Scotland, may be entitled the bishop of a place in Scotland, while the bishop of a church, not the Established Church, in Ireland may not be entitled the bishop of a place in Ireland?—I think that is quite clear; it is quite clear that a Protestant bishop in Scotland may assume any name, style, or title in respect of any district, but that a Roman Catholic bishop in Ireland cannot do so.

93. *Chairman.*] Does the jurisdiction claimed by a vicar apostolic differ in any way from the jurisdiction claimed by a bishop where there is a hierarchy?—There are very great differences between them, which I am not at this moment disposed to discuss. There are differences as to the power of removing a parish priest, and as to the hold which a vicar apostolic has upon his position, and there are a great many differences, but *quoad* the question here, there is no difference at all. They are domestic differences in the church itself.

94. Mr. *Walpole.*] Would all the episcopal and religious functions of a bishop be the same in the two cases?—I should say so; but I do not profess to have much knowledge upon that; we have never had to deal with vicars apostolic in Ireland; you will have a much better authority immediately to answer such a question.

95. *Chairman.*] Is the jurisdiction which a vicar apostolic necessarily has over a district in this country opposed to this Act?—I take it that the jurisdiction of anybody who called himself bishop of the district, whether he was vicar apostolic or not, would be legally nullified by it.

96. Did not a vicar apostolic exercise jurisdiction over a district in this country previously to the passing of this Act?—Yes, he certainly exercised jurisdiction.

97. Was not that as much opposed to this Act as it would be now that there is a hierarchy?—That would depend on the form of words employed. My learned friend, Mr. Hope Scott, can speak with more experience and authority as to the English arrangements.

98. Mr. *Walpole.*] Was not the difference rather this, that the one exercised jurisdiction within a district, and the other exercised jurisdiction over a district if he assumed the title of that district?—In a certain sense; the one exercised jurisdiction within the district, but he was not of the district, or attached to the district in the same sense in which a bishop is.

99. Mr. *Paull.*] I have understood you to say that practically there is no difference between a vicar apostolic and a bishop?—I take it that a vicar apostolic has the power which a bishop has, for the spiritual benefit of his district; but the ecclesiastical arrangements and the relations of parties in the church are different in the two cases.

100. I think you said that as they both derived their authority from Rome you saw no difference between them?—I say that I see no difference *quoad* this question before you, as to the assumption by Rome of the power of interfering with districts; I see no difference in principle between the one and the other, because a vicar apostolic, as such, is as much the appointee of the Pope as a bishop; and he is much more absolutely dependent on the Holy See.

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101. That being so, what object was to be gained by calling the prelate a bishop, instead of a vicar apostolic?—There might or might not be an object to be gained. But the church acts according to its settled law; the bishop of a district is the bishop of a diocese, and the church calls him so.

102. You mean that it is the settled law of the Roman Catholic Church?—Yes; wherever you have a settled hierarchy, there are certain things which must be done and certain words which must be spoken.

103. But, in effect, the church suffers no injury in its internal government, whether there be a vicar apostolic or a bishop?—A vicar apostolic suits certain conditions of the church, and a bishop suits other conditions of the church.

104. Prior to 1850, when there were only vicars apostolic in England, did the Roman Catholic Church, or its people, suffer in any way from the fact of their prelates not being called bishops?—I have said that I decline to give opinions with regard to the English Roman Catholic Church, or with respect to England at all; I do not believe that they suffered very much from the mere form of designation. But I believe that the Holy See had full spiritual jurisdiction to constitute a hierarchy in England, and that the constitution of a hierarchy in England was a good thing for England; and, so far as that question is concerned, I see no difference between the appointee of the Pope in the person of a vicar apostolic and the appointee of the Pope in the person of a bishop.

105. Then in that case it would be merely the question of a name?—It is a question of more than a name within the church, because a vicar apostolic does not hold the same position as a bishop holds; a parish priest under a vicar apostolic does not hold the same position, and the same law does not apply. In the one case there is a regularly constituted hierarchy, and in the other there is not.

106. But prior to 1850, did not vicars apostolic in England exercise all the powers which bishops of the Roman Catholic Church did in Ireland?—I take it that they did, under certain conditions and with certain qualifications, but the institutions were not the same.

107. They had the appointment of priests?—Yes; but I apprehend that you will find that the parish priest of that time was not the parish priest of this time. There was a different tenure and a different law operating in the one case and in the other; and in determining whether the one or the other should operate, the church alone was the judge.

108. Then there was a difference between a vicar apostolic and a bishop, with reference to the internal management of the church?—Certainly.

109. Mr. *Attorney General for Ireland.*] You have been asked with respect to the Scotch bishops; if you will look at the 3rd section of the Act of 1851, you will see that the last clause in that section provides that nothing in that section "shall be taken to give any right to any such bishop to assume or use any name, style, or title which he is not now by law entitled to assume or use"?—Yes.

110. So that under that section no new power

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is given to them to assume anything which they were not before entitled by law to assume?—Yes; but at the time when this Statute was passed, even although the Emancipation Act had the provision to which I have adverted, there were certain names, styles, and titles which the bishops in Ireland were legally authorised to use; as in the case of such a bishop as the Bishop of Galway, or such an archbishop as the Archbishop of Tuam. There was nothing in the Emancipation Act to prevent the assumption of those titles, because they were not titles adopted in the Established Church. Then came this Act, which forbade the use even of those old titles, whilst it left the Scottish titles undisturbed; and therefore there is an essential distinction in the cases even in the matters to which you have called my attention.

111. Mr. *Walpole.*] Do you think that it is quite clear, that before the Ecclesiastical Titles Act passed, those bishops were legally entitled to assume the title of any place?—I applied my mind just now only to the Emancipation Act; I speak offhand, and without any preparation, on this point, and therefore I speak with reserve; but I do not think that the question was raised before that time.

112. The Emancipation Act referring to known titles, a doubt arose whether, since known titles were prohibited, it did not extend to any titles though they should not be known titles?—Yes.

113. Was there anything before the Emancipation Act which legally entitled a bishop of the Roman Catholic Church to take the title of a See in Ireland?—As I have said, I am not at present able to say; I am not aware that the question was raised before that time; my impression is, that until the Emancipation Act came to prevent the assumption of the title, its assumption would have been a legal thing, and that the Emancipation Act contained that section for the purpose not of continuing an ancient law, but of making a new restriction, like a good many others which it introduced, in consideration of what was done in the way of relief to the Roman Catholic people.

114. Before the Emancipation Act was passed, did not the bishops assume the title?—They always did so.

115. And therefore it was prohibiting what had been done before?—So it would seem.

116. That would rather imply that it was not considered legal before?—Not necessarily; it only applied to the case of the Established Church Dioceses.

117. Mr. *Attorney General for Ireland.*] Is it quite clear under the 24th section of the Emancipation Act that the prohibition was merely as to assuming the names of existing legal titles in the Established Church?—I think so.

118. The enactment of the 24th section is, "That if any person after the commencement of this Act, other than the person thereunto authorised by law, shall assume or use the name, style, or title of archbishop of any province, bishop of any bishoprick, or dean of any deanery in England or Ireland, he shall for every such offence forfeit and pay the sum of 100*l.*" On comparing that with the preamble of the Act of 1851, it says, "Whereas it may be doubted whether the recited enactment extends to the assumption of the title of archbishop or bishop of a pretended province or diocese, or archbishop or bishop of a city, place or territory; or dean of any pretended deanery in England or Ireland not being the see, province, or diocese, of any archbishop, or bishop, or deanery of any dean, recognised by law"?—In my opinion, it clearly did not extend beyond the existing titles of the Establishment.

119. Mr. *Chichester Fortescue.*] It is treated as a doubt?—I know that at the time of the passing of this Act there was a good deal of discussion upon that very point, namely, whether there was any ground for real doubt, and it was thought by myself and others that there was not any

120. Mr. *Walpole.*] Is it not the old law of the church that there cannot be two bishops in the same see?—Yes, and therefore an associated bishop is only a bishop *in partibus.*

121. In the Church of England, would not a person claiming to be the bishop of a see where there was a bishop be called a schismatic?—I presume so.

122. And, possibly, it may have been considered by the Legislature that it would be schismatical for any person to claim to be the bishop of a see, where there was a bishop existing?—Possibly so, but I do not see any evidence of it.

123. But it is the law of the church?—I presume it to be the law of the church that there cannot be two bishops in one see.

124. Mr. *Chichester Fortescue.*] I suppose that you would say that there was a period of our history when the jurisdiction of a bishop was a coercive jurisdiction, and that every inhabitant was bound to obey him as his bishop?—No doubt.

125. We might call it the Elizabethan system?—There were times when he was a judge as well as a bishop.

126. So long as that was the condition of our law you could no more have, I suppose, two bishops in the same diocese than you could have two lords lieutenant in the same county?—No.

127. But our opinions and our laws have greatly changed in that respect, have they not?—Yes; and very fortunately, I think, since the period to which you have referred.

128. Do you see any reason why the law should take into account the case of these two rival bishops who may happen to reside in the same town?—I think not; I think that the law should leave the bishops to manage their own spiritual affairs for themselves.

129. Mr. *Walpole.*] But is there not a distinction between allowing them to manage their own spiritual affairs, and allowing them to separate the country into districts, with territorial titles, when the Crown alone claims the right of doing so?—No doubt, if there was any attempt to interfere with the civil authority of the Crown in making districts for civil purposes that would be an improper thing, and ought to be prevented; but it appears to me to be an entirely different thing when a bishop has only a spiritual claim over the consciences of men.

130. Is the creation of an original diocese only a spiritual thing?—The creation of a diocese in my idea is a purely spiritual thing. A diocese may exist, and the bishop may be perfectly unendowed by the State or with any specific property, as is the case in Ireland; he has no civil authority in the world, and he has no secular property; his whole control is over the minds and consciences of men who voluntarily submit to it.

131. Mr. *Chichester Fortescue.*] Are you aware,

or

or can you conceive of any actual interference on the part of a Roman Catholic bishop, with the non-Roman Catholic inhabitants of his diocese, in consequence of his calling himself bishop of so and so?—He has no power of doing so at all. In a country which is free, and where we have a constitution and a law like ours, I take it that no man can be coerced in his conscience by any other man.

132. Do you see any substantial palpable results with which the law can deal as arising from the assumption of such a title?—I do not.

133. Am I to understand you, upon the whole, speaking of Ireland, to tell the Committee that while you see certain inconveniences as having resulted from the Legislation of 1851, which are not to be despised, your opinion is, that the main evil of that legislation is a matter of feeling on the part of the people of Ireland?—It is no doubt a matter of feeling, but of feeling issuing in fact, and in very formidable fact, too. I think that the feeling of a bishop, which prevents him from having, in a position of perfect independence, which should always be maintained, the most cordial relations with the executive government of the country, and aiding it cordially and effectually by word and deed, in all proper cases, is a feeling followed by a fact of a very formidable sort.

134. The Roman Catholics of Ireland forming an immense majority of the nation, probably do not look upon themselves as what they have been called, namely, a sect of Dissenters?—They certainly do not.

135. Would you say that the fact of their forming a great majority of the nation, makes this question of feeling a question of very great magnitude?—I certainly should; I have endeavoured to convey my view with reference to the effect of such a law as this upon the general community, and also the effect of the disobedience to the law upon the general community.

136. Should you say that if such a measure were adopted by Parliament as the repeal of the Ecclesiastical Titles Act, and the provision by law of such reasonable designations for the Roman Catholic archbishops and bishops as might be adopted by common consent would have a healing effect upon public feeling in Ireland?—I think so.

137. That is your decided opinion?—My decided opinion is, that to the proper settlement of Ireland, and the harmonising of her people with each other and the law, this Act of Parliament is a great obstacle, for the reasons which I have given.

138. Should you say that such a measure as I have sketched, as far as it went, would be taken in Ireland to be a declaration of peace and conciliation on the part of the Government and Parliament of Great Britain?—I should say so; I have already described the feeling with which this Act was heralded in Ireland, and I am quite sure that there would be a correspondent feeling the other way if it was repealed.

139. Do you think that it will be looked upon as intended publicly to recognise the equality of the Roman Catholic people of Ireland with all their fellow citizens?—I think that beyond all doubt it would. If the view which I have taken of the Act of Parliament be correct, with reference to the first and second sections, its maintenance is inconsistent with the fair recognition of the fact of Roman Catholicism in Ireland.

140. The *Judge Advocate.*] What would you consider to be a reasonable description which might be adopted by common consent?—I have no authority to speak for anybody beyond myself, and I would speak with very great diffidence of the opinions of others; but, as I have said, the description in the Canadian Act, to which I have referred, would seem to me unobjectionable, and the use of the epithet "Roman Catholic" equally so.

141. You see no inconvenience, for instance, in there being two archbishops for Dublin?—If the one be designated differently from the other, for the purposes of convenience, I think that they might get on very harmoniously.

142. Do you think that there would be a consent on the part of the Archbishop of the Established Church to have another person designated Archbishop of Dublin?—I decline to give any opinion upon the subject.

143. You think that there might be an Archbishop of Dublin, and a Roman Catholic Archbishop of Dublin?—I think so; a Protestant archbishop and a Roman Catholic archbishop. They are there as a matter of fact.

144. Mr. *Cavendish Bentinck.*] In the administration of charitable trusts there is no objection, in order that the charitable trusts should be administered, to the bishop or archbishop having a territorial designation?—I have already said I do not think that that precisely comes within the purview of your inquiry; it is only ancillary to it; I have not seen the terms of the reference to you; I do not know that that matter is within your competence as a Committee; I only referred to it as one of the things naturally connected with this inquiry, and a thing which I knew was very important in a practical point of view.

145. Mr. *Walpole.*] The terms of our inquiry, being that it is an inquiry into the operation of the law consequent upon the Act of 1851, you consider that anything which affects the charitable trusts of those persons who belong to the Roman Catholic religion is germane to the question, although not directly within the terms of the inquiry?—Entirely so; I so limit myself.

Mr. James Robert Hope Scott, called in; and Examined.

146. *Chairman.*] You are one of Her Majesty's Counsel?—I am so, in the popular acceptation of the term. I have a patent of precedence ranking with the Queen's Counsel.

147. Are you aware of the manner in which the government of the Roman Catholic Church was carried on before 1850?—Yes; and the following statement will put the Committee in possession of all the information which I have upon that and other subjects connected with this inquiry. In Ireland, the See of Rome holds that the succession of the Roman Catholic hierarchy has never been interrupted, and the titles of the ancient sees have consequently been retained. Some of these, however, were never adopted by, and others have since been abolished in, the Established Church. One see only is of modern erection, by Papal brief. In England, before

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before the year 1850, the Roman Catholic Church was (as in Scotland it still is) governed by prelates, who, bearing the titles of sees "*in partibus infidelium*," exercised their jurisdiction as vicars apostolic of the Pope. Between these two methods of government there is, as regards the prerogative claimed by the Crown, no difference whatever in principle. In both cases the See of Rome is the fountain of jurisdiction, and in both, territory, whether divided into dioceses or districts, forms its basis. If any distinction is to be taken, the government by vicars apostolic, in other words, by the direct representatives of the Pope, would appear to be more in conflict with the prerogative than the government by canonical bishops. Under the Relief Act of 1829, the form of oath for Roman Catholics required the abjuration of the "temporal and civil," but not of the "ecclesiastical or spiritual" jurisdiction of the Pope; and section 24 of the Act did not profess to annul any instrument from Rome creating sees or vicariates apostolic, or making appointments to them when created, but merely prohibited, under penalty, the assumption of the titles of the established archbishopricks, bishopricks, and deaneries in England or Ireland. In 1844 the Charitable Bequests Act for Ireland, 7th & 8th Victoria, recognised distinctly the legal existence of Roman Catholic archbishops and bishops in that part of the kingdom, and legislated for them as members of a permanent institution. In 1850 the Pope abolished the vicariates apostolic in England, and substituted for them a settled hierarchy, comprising one archbishoprick and 12 bishopricks, with territorial titles expressly chosen so as to avoid those of the existing sees of the Establishment. This was done by the Brief of 29th September 1850, mentioned in the Preamble of the Ecclesiastical Titles Act, 1851, and it is under that instrument, and others less important but of a similar kind, which have been issued since 1850, that the present government of the Roman Catholic Church in England is constituted. The successive appointments to archbishopricks and bishopricks, both in England and Ireland, are also made by briefs from Rome. The Ecclesiastical Titles Act, 1851, 14th & 15th Vict., after various recitals, including that of the instruments founding the new hierarchy, "declares and enacts that, 1. All such briefs, rescripts, or letters apostolical, and all and every the jurisdiction, authority, pre-eminence or title conferred, or pretended to be conferred thereby, are and shall be and be deemed unlawful and void; 2. That if after the passing of this Act any person shall obtain, or cause to be procured from the Bishop or See of Rome, or shall publish or put in use within any part of the United Kingdom, any such bull, brief, rescript, or letters apostolical, or any other instrument or writing for the purpose of constituting such archbishops or bishops of such pretended provinces, sees, or dioceses within the United Kingdom; or if any person, other than a person thereunto authorized by law in respect of an archbishoprick, bishoprick, or deanery of the United Church of England and Ireland, assume or use the name, style, or title of archbishop, bishop, or dean of any city, town, or place, or of any territory or district (under any designation or description whatsoever), in the United Kingdom, whether such city, town, or place, or such territory or district, be or be not the see or the province, or co-extensive with the province of any archbishop, or the see or the diocese, or co-extensive with the diocese of any bishop, or the seat or place of the church of any dean, or co-extensive with any deanery of the said United Church, the person so offending shall for every offence forfeit and pay the sum of 100 *l.*, to be recovered as penalties imposed by the said recited Act may be recovered under the provisions thereof, or by action of debt at the suit of any person in one of Her Majesty's superior courts of law, with the consent of Her Majesty's Attorney General in England and Ireland, or Her Majesty's Advocate in Scotland, as the case may be." This Act, for the first time in modern legislation, struck at the foundation of the whole government of the Roman Catholic Church in the United Kingdom; for, not content with extending the prohibition of the Act of 1829 to the assumption of titles not already appropriated to the Established Church, it declared every instrument from Rome creating a province or diocese, and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, to be unlawful and void, and subjected to penalties all those who, after the passing of the Act, should obtain, or cause to be procured, or publish, or put in use any such instrument, "or any other instrument or writing for the purpose of constituting such archbishops or bishops of such pretended provinces, sees, or dioceses within the United Kingdom." After the date of this Act, therefore, there have been, in the eye of law (except so far as the reservation under section 4, afterwards noticed, extends) no archbishops or bishops of the Roman Catholic Church, either in England or Ireland. The vicariates apostolic having been superseded in England by a territorial hierarchy, and Ireland having always possessed one, the government of the church in both countries was, so far as Parliament could do it, annulled by this statute. It is needless to say that a measure so extreme was not likely to have all the results intended by it; on the internal discipline of the Roman Catholic community it had none; on their social position only so much as arose from the agitation which attended, and the triumph which followed, the passing of the Act. It gave them, however, a renewed sense of injustice, and a natural distrust of the Legislature which could be induced to reverse the policy of 1829, and recall an important part of the freedom then confirmed to them, and of which they had been in the legal enjoyment since the first Relief Act in 1778, 18th Geo. 3, c. 60. It may be noticed that recent admissions in Parliament seem to support the view that such feelings on their part were not altogether unreasonable. The Act, however, being on the Satute Book, could not, if resorted to, be inoperative, and its effect was soon discovered: 1. In November 1850 (after the date of the brief), the Committee of Privy Council on Education had concluded a long-pending treaty with the Catholic Poor School Committee as to the management clause for Catholic poor schools. The agreed form recognised the authority of "The Roman Catholic bishop for the time being, of the district or other ecclesiastical division" in which the school should be situated; and this was held to be essential on the part of the Poor School Committee. On the passing of the Act, its inconsistency with this management clause became obvious. There were notoriously no Roman Catholic bishops, except

except those deriving territorial titles and authority from the brief of 1850, and that brief and all jurisdiction under it had been declared "unlawful and void." Moreover, the terms of the management clause had evident reference to territorial divisions, and thus sinned openly against the Act. Of these two difficulties, the former was by far the more serious, and being found insuperable, was, by mutual understanding, ignored. The latter admitted of compromise, and, after discussion, a form was adopted which was embodied in the trust deed, which has since served as a model. The deed in question is that of Kemerton School, dated 24th May 1852, in which the Roman Catholic Bishop of Clifton is described as "The Right Reverend James Burgess, of Clifton, in the County of Gloucester, Doctor in Divinity, and Roman Catholic Bishop," while (apart from any covenanted powers inserted in the trust deed) his ecclesiastical jurisdiction is distinctly acknowledged by the declaration, "that no priest shall be or continue a member of the said Committee, or exercise any control or interference whatsoever in the said school, who does not hold faculties duly received from, or confirmed by, the Roman Catholic bishop aforesaid, or his successor for the time being, subsisting and unrevoked." Whether these transactions amounted to a "putting in use" of the Papal brief, or whether this, or any of the trust deeds framed upon this model, would stand the test of a legal examination, it is not necessary to inquire; it is enough that a department of the State began, during the existence of the very ministry which introduced and passed the Act, and that the same department has ever since continued, under various administrations, to disregard a law, the observance of which would have been against the public policy of education, and in violation of an official compact. 2. Another class of questions, which have arisen under the statute, illustrates the same view of it. In section 4 of the Act, there is a reservation of all the provisions of the Act of 1844 (before referred to) "for the more effectual application of charitable donations and bequests in Ireland:" how this reservation operates in regard to the legal position of the Roman Catholic archbishops and bishops in Ireland, seeing that the Act of 1844 recognises them, and the Act of 1851 destroys them, may well be a question; but the insertion of the reservation shows a perception of the probable effects of the Act upon Roman Catholic charities, and as far as Ireland is concerned, seeks to guard against it. In England, where there is no reservation, that effect may arise in the following, amongst other instances: 1. When a Roman Catholic archbishop or bishop, described merely as such, is the person to receive, as a trustee, or otherwise, any bequest or gift. 2. When the action of the authority of a Roman Catholic archbishop or bishop, as such, is prescribed as part of a trust. 3. When bequests for the benefit of former ecclesiastical districts have to be apportioned between new dioceses. Under two of these heads cases have arisen, fortunately not litigious, but which have required the intervention of the Courts of Equity, and in all, except one, the Act of 1851 was simply ignored, while, in that one, the judge's attention being directed to the Act, he made great difficulties, and finally yielded, on the example of the trust deed adopted by the Privy Council being brought before him. 3. A third kind of difficulty arises, like the first, from necessary contact between the Government departments and other public authorities, and the Roman Catholic clergy. Whenever a Roman Catholic chaplain is required for the army or navy, or for any prison or workhouse, the priest appointed, by whomsoever he may have been ordained, must have faculties from the bishop within whose diocese he is to act, and, when he leaves that diocese to go to another, must carry with him documents attesting his orders and character. All instruments signed by a bishop for these purposes, inasmuch as they depend upon jurisdiction, must and do contain the title of his see, and a reference to his appointment by the Pope; and thus every Roman Catholic chaplain must have in his possession one document or more, which, proving, ecclesiastically, his capacity to act as chaplain, would, under the Act of 1851, not only not establish that point, but become evidence against himself and his bishop, of a contravention of the Act. Here again, however, common sense has proved stronger than the statute; no inquiry is made, and priests are accepted by Government and other public bodies, whose necessary qualification is known to be derived from the bishops, whose authority, to qualify them, is equally known to be derived from the Pope. To these observations it may be objected that they do not prove, nay, that they disprove, the existence of practical grievances under the Act of 1851; but the answer is easy. No Act of Parliament can cause direct hardship to the subject while the Ministers of the Crown, the judges, the magistrates, and the public at large concur in disregarding it; but it is one thing to be secure by the law, and another to be secure only by a general contempt of the law. In the latter case a gust of popular excitement, such as occurred in 1850-51, or the interest or prejudice of an individual, or the scruples of a single official, or of a single judge, might at any time turn this dormant Act into a real instrument of oppression; and therefore the grievance of the Roman Catholics is this, and it is essentially a practical one, that, whatever their present immunity may be, they are not, and, as the law stands, they never can be, secure of its continuance. From this it follows, that in all matters to which the Act may be applied, Roman Catholics find it necessary to take the same precautions, and resort to the same expedients, as if its application were certain. In short, they are under the constant sense that a penal statute is at the door, and that it depends upon little more than accident, whether it shall come in or not; and thus, if the apprehension of evil be, as it certainly is, an evil in itself, the mere existence of the Act is a practical hardship, and there can be no remedy short of its repeal.

Mr. *J. R. H. Scott.*

9 July 1867.

Friday, 12th July 1867.

MEMBERS PRESENT:

Mr. Attorney General for Ireland.
Mr. Cavendish Bentinck.
Mr. Brett.
Mr. Henry Austin Bruce.
Lord Frederick Cavendish.
Mr. William Edward Forster.
Mr. Chichester Fortescue.
Mr. Howes.
The Judge Advocate.
Mr. MacEvoy.
Mr. M'Kenna.
Mr. Paull.
Mr. Walpole.

EDWARD MACEVOY, ESQ., IN THE CHAIR

Mr. JAMES VINCENT HARTING, called in; and Examined.

Mr, *J. V. Harting.*
12 July 1867.

148. *Chairman.*] You are a Solicitor, practising in Lincoln's Inn Fields?—I am.

149. Are you aware in what manner the government of the Roman Catholic Church was carried on in England previously to 1850?—I am quite familiar with it.

150. Can you state the extent of the change which was made by the Pope in 1850?—To make that statement more intelligible, I think that it may be well to go back, and to state to the Committee what the government of the Roman Catholic Church in England was from the time of Elizabeth to the period in question; it will be very shortly done. Dr. Watson, the Bishop of Lincoln, who was the last survivor of the Roman Catholic Episcopate, died in the year 1584, and at his death the Roman Catholic hierarchy ceased. The inconvenience of the want of a head was very much felt, and representations were made from time to time with a view to some arrangement for the government of the Roman Catholic clergy in England. Nothing was done, however, until the year 1599, when, instead of appointing a bishop in ordinary, which was what the clergy here and the Roman Catholics here very much desired, as a provisional measure an archpriest, as he was termed, was appointed, with limited faculties for the government of the secular clergy, for his jurisdiction only extended over the secular clergy. That led to a great deal of difference and a great deal of disagreement, and in 1608 Dr. Blackwell, the first archpriest, was deposed, and Dr. Birkett was appointed in his place.

151. Mr. *Walpole.*] Was he appointed as archpriest in his place?—Yes.

152. Mr. *Cavendish Bentinck.*] Had he episcopal orders?—No; in 1614 Dr. Birkett died, and Dr. Harrison succeeded him.

153. Mr. *Walpole.*] In what character did he succeed him?—As archpriest still. Dr. Birkett was succeeded in the following year by Dr. Harrison also as archpriest, the disagreements in England still continuing; the inconveniences resulting from that form of government were felt to be extremely great, and more urgent representations were made, and in 1623 Dr. Bishop was sent to this country as bishop in ordinary in England, aad he appointed a dean and chapter, who continued to exist until the other day.

154. Was he appointed as a bishop *in partibus?*—He was appointed as a bishop *in partibus* with ordinary jurisdiction in England and Scotland.

155. With what title?—Bishop of Chalcedon. He died in the following year 1624, and then Dr. Richard Smith was appointed to succeed him, and he succeeded also to his title as Bishop of Chalcedon, with powers here. Whether those were ordinary powers, or were vicarial powers, was a question which led to very grave differences, and during the year 1629 he was obliged to leave England. He went abroad, and he lived and died in Paris. He died in 1655, and until that time the government of the church in England was carried on by his vicars.

156. Mr. *Cavendish Bentinck.*] Was the vicar a bishop also?—No, his vicars were merely vicars general; they were merely priests and not bishops. After the death of Dr. Richard Smith in 1655, there was an interval of 30 years, and no appointment was made by reason of the question, whether the appointment should be of a bishop in ordinary, or of a vicar apostolic, holding his office *ad nutum*, who should remain here liable to be recalled at any moment, and not capable of performing any act which should bind his successor, because he might never have a successor, and therefore all the arrangements which he might make with the clergy or otherwise, were open to sudden interruption at any moment.

157. Mr. *Walpole.*] Am I to understand you to say, that between the year 1655 and the year 1685 there was neither arch priest, nor vicar apostolic, nor bishop *in partibus?*—That is so; the business of the church was conducted in various ways. The dean and chapter, which had been erected by Dr. Bishop in 1624, still claimed jurisdiction and exercised it; as, for example, on the marriage of Charles the Second, the dean and chapter granted a dispensation for his marriage with Catherine de Braganza.

158. Where were the dean and chapter located?—In London.

159. Mr. *Forster.*] They were the dean and chapter of what?—They were termed the dean and chapter of England. In 1685 Dr. Leybourn was appointed vicar apostolic; he was a bishop *in partibus;* he was Bishop of Adrumetum, and he was appointed vicar apostolic over the whole of England and Scotland. Two years afterwards,

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in 1687, Scotland was withdrawn, and England was subdivided into two vicariates. Dr. Leybourn remained vicar apostolic of the southern district, and Dr. Bonaventure Giffard was appointed vicar apostolic of the northern district of England; he was a bishop *in partibus*.

160. Mr. *Walpole.*] What title had he?—His title was Bishop of Medaura.

161. It was not a place in the United Kingdom?—No; he was a bishop *in partibus*.

162. Mr. *Forster.*] Was the title of the vicars apostolic, vicars apostolic of the southern and northern district of England?—Yes; and the districts within which they were to exercise their spiritual jurisdiction (for they claimed no other) were defined by the Papal Act appointing them.

163. Mr. *Walpole.*] Could you procure for the Committee a copy of that Papal Act?—I will make an inquiry, and if it can be had the Committee shall have it, but that is the fact. In 1687 another change took place, and then England, instead of being divided into two districts, the northern and southern, was subdivided again into four, the two bishops, namely, Dr. Leybourn and Dr. Bonaventure Giffard remaining still, and two others being added to them, who were Dr. Ellis and Dr. James Smith. They were appointed just in the same way, but it was under different circumstances; it was just before the Revolution they were appointed, and provision was made for them; each of them had 1,000*l.* a year allotted to him, and it was paid out of the Imperial Exchequer.

164. In what year was that?—It was in the time of James the Second, in 1687; it was of very short duration. That division into four districts continued until the year 1840. In the year 1840 those divisions were found too large; they were the northern, the southern, the midland, and the western. The northern vicariate comprised the eight northern counties; the midland the 15 midland counties; the southern, 10 counties; and the western, seven counties, and the whole of North and South Wales.

165. Did that state of things continue from 1687 till 1840?—Yes.

166. Did the dean and chapter continue also?—The dean and chapter continued, but their jurisdiction was a suspended jurisdiction during the presence of the vicars apostolic; they had no active jurisdiction during that period, the vicariates apostolic always being full.

167. We all of us know that, historically, 1687 was an important year with regard to the Roman Catholic hierarchy?—Yes.

168. Was there any legislation upon the subject of the position of the Roman Catholic bishops about that time?—No, there was no legislation whatever upon that subject; there was a mission of Lord Castlemaine to Rome, but nothing more.

169. Mr. *Forster.*] There was no Order in Council that you are aware of?—I will endeavour to supply that information to the Committee; I do not think that there was any Order in Council.

170. Mr. *Chichester Fortescue.*] Do you know by what authority the stipends were granted?—I apprehend by the King's sign manual.

171. Mr. *Walpole.*] I suppose that there is a record of it?—No doubt of it, you will find it at the proper office. In 1840 the vicariates were found to be too large, and they were again subdivided into eight, and that remained until 1850, and then the change took place which led to the Act, which is the subject of this inquiry.

172. You had eight bishops in 1850?—Yes.

173. Were they all bishops *in partibus*?—Yes, and vicars apostolic in their several districts.

174. Do you happen to know whether from the period of which we are speaking, say, from the year 1687, till the year 1840, and then on to 1850, the bishops who were selected were usually natives of this country?—Always.

175. Without exception?—Without a single exception.

176. By natives, I mean natural-born subjects?—Yes, all of them, without any exception. In 1850 a change took place, and certainly if the facts had been known which we, as Catholics, had known, namely, that for 266 years we had been struggling to obtain that which we did obtain in that year, I think that we should have been commended for our perseverance, and felicitated on our success.

177. What did you obtain in that year?—We obtained a regular government by bishops in ordinary, who are guided by certain fixed rules, which everybody knows, and which everybody has a right to have enforced. I am only speaking of spiritual jurisdiction. That was what we had been seeking to have, and it was at last obtained. Up to that time there were only vicars apostolic holding their appointments *ad nutum*, at the will of the Pope. They were merely papal vicars in the particular districts allotted to them; there was no certainty in their government.

178. When you say that you had struggled hard to obtain what you thought that you did obtain in the year 1850, what evidence is there of that having been done?—The history of the Roman Catholic Church from the death of Dr. Watson in 1584, down to 1850.

179. Mr. *Bruce.*] The struggle, I presume, was at Rome?—The struggle was at Rome and amongst ourselves to get bishops in ordinary appointed.

180. Mr. *Walpole.*] What did you obtain in 1850?—We obtained bishops in ordinary.

181. How do you obtain them?—By a brief of the Holy See.

182. By the very bull or rescript which I find dealt with in the Ecclesiastical Titles Act?—Precisely.

183. Mr. *M'Kenna.*] Do I understand you rightly when I understand you to say that, subsequently to 1850, the jurisdiction of the Roman Catholic Church here was more independent of the absolute will of the Pope than before?—It was entirely at the will of the Pope before 1850.

184. But since 1850, do I rightly understand you to mean that the spiritual jurisdiction of the Church was rendered personally more independent of reference to the Pope than before?—Unquestionably; and equally so the state of every Roman Catholic in England *quà* Roman Catholic.

185. Mr. *Walpole.*] Will you explain to the Committee exactly what you think you did gain, and what was the position of the Roman Catholic Church in this country by means of that bull or rescript?—Various advantages were gained; in the first place, it brought us within the known and recognised laws of the Church, which are well understood, and well ascertained, and which are administered all over the world wherever the Roman Catholic Church exists, and wherever there is an established hierarchy. The bishops were then able to make arrangements with their clergy,

Mr. J. V. Harting. 12 July 1867.

clergy, which gave them fixity of tenure in their several benefices. No clergyman before 1850 knew whether he should hold his cure for 24 hours. As long as the then vicar apostolic lived, it was probable that he might not be disturbed, but if that vicar apostolic was removed and another was appointed, his views might be altogether different, and the clergy might be transferred from pillar to post in any direction. I do not say that such things happened, but they were capable of happening, and, therefore, it was a grievance.

186. Mr. *M'Kenna.*] I understand you to say that the effect of the change in 1850 was to bring the jurisdiction of the Roman Catholic Church in these countries within the ordinary laws and administration of the Roman Catholic Church, and to take it out of the provisional condition in which it previously existed?—Entirely so; so that the bishops could make arrangements, and did make arrangements as regarded the clergy in their several dioceses or districts within the limits of which their spiritual jurisdiction was exercised, and which jurisdiction a bishop in ordinary does exercise. The appointments are now for life, the clergy are not liable to be removed except for canonical cause.

187. Mr. *Walpole.*] Do you consider that the appointments were not appointments for life previously?—They certainly were not; in fact the practice showed it, for they were constantly changed. If the vicar apostolic had desired it he could not have given the appointment for life, because he held his own office at the will of another, and consequently on his removal anything which he had done fell through.

188. Mr. *Bruce.*] Practically, was the appointment of vicar apostolic only held for periods of a short duration?—The vicars apostolic were sometimes changed from one district to another, but of late years they have held the office for life.

189. Mr. *Walpole.*] They have usually continued?—Yes, for life; the inconveniences having been found so great.

190. Mr. *M'Kenna.*] Was not one archpriest actually removed from his position in 1608?—Yes.

191. And all the appointments under him, I presume, fell to the ground?—Yes, but his power was very inferior to the power of the vicar apostolic. The vicar apostolic was a bishop, and the immediate delegate of the Pope in the district in which his powers were granted; the other was only a priest.

192. Lord *Frederick Cavendish.*] Is there any difference, besides the fact of permanence, between the powers of a vicar apostolic and the powers of a bishop in ordinary?—Yes, there is a considerable difference; because there are many things which a vicar apostolic could do of his own mere motion which a bishop in ordinary could not do; in point of fact, a vicar apostolic is the delegate of the Pope governing in person.

193. Mr. *Walpole.*] Is there any episcopal or spiritual function which a vicar apostolic cannot perform, but which a bishop can?—No, because a vicar apostolic, although a bishop *in partibus*, is still a bishop, and all the powers and capacities of a bishop are vested in him, and are exercised by him if there is no limitation in the commission under which he acts.

194. You were present when Mr. Justice O'Hagan gave his evidence?—I was.

195. And you confirm the answer which he gave, that, in effect, there is no difference with regard to the episcopal and spiritual functions, which can be discharged by a vicar apostolic and by a bishop *in partibus*?—As regards spiritual functions there can be none; but I should make a distinction in the other case, because there might be cases in which the power of the bishop in ordinary would be limited, and the power of the vicar apostolic would be much more extended. I think that there is a fallacy in the use of the word "functions." The principal function of a bishop is the conferring of orders. The spiritual government of the Church is another thing. In the spiritual government of the Church a bishop in ordinary is limited, but in the spiritual government of the Church a vicar apostolic is not limited, unless by the terms of his commission.

196. Still, is there anything in the spiritual government of the Church which a vicar apostolic can do, and which a bishop in ordinary cannot do?—Yes; as, for example, in the nominating and appointing to benefices, or the granting of faculties to priests for fixed periods.

197. If there were benefices, I suppose that he could do it?—No; because he could only do it during his term of office.

198. Mr. *Bruce.*] You have mentioned the possible inconvenience arising from the uncertain duration of the appointment of vicars apostolic; can you mention any practical inconvevience which has arisen from their appointment, instead of the appointment of regular bishops?—We held it to be a practical inconvenience that nothing which they did could bind their successors, no matter what it was.

199. Was there any other practical inconvenience which arose?—Yes, there was this inconvenience; that we never knew under what government we lived.

200. The greatest number of vicars apostolic appointed at any time was four, was it not?—Eight.

201. Was there any reason why the number should not have been indefinitely increased?—No, they might have been increased to 80; but that would not have cured the difficulty. The objection was the want of governmental order; there were no rules which were applicable; the rules applicable to bishops in ordinary, which are known all over the world by Roman Catholics, were not applicable to vicars apostolic. We wanted certainty instead of uncertainty, and we got it.

202. There were eight vicars apostolic within the limits of England and Wales?—Yes.

203. Had they separate designations?—Yes.

204. Were those local?—They were merely subdivisions.

205. What were they called?—The Northern District, the Yorkshire District, the Lancashire District, the Central District, and others.

206. Then some of them had local designations?—Yes; all necessarily had them, because the limit within which these vicarial powers were to be exercised must be defined.

207. "Yorkshire" was a local designation as contradistinguished from "Northern," which was a geographical designation?—It was so.

208. Mr. *Forster.*] Was it not the case that one of the Yorkshire bishops, namely, the Bishop of Beverley, was designated Bishop of Beverley for some time before 1850?—Never.

209. Mr. *Bruce.*] You have mentioned, I think, some other county which gave a title to the vicar apostolic?—Lancashire.

210. Was

210. Was there any other besides those two?—I think not; there was Wales.

211. Wales was another instance?—Yes.

212. Those were *quasi* dioceses?—Yes. So to speak, the whole of England formed one diocese, which was governed by the Pope in person, that is to say, governed by his vicars; and the limits within which their spiritual jurisdiction was to be exercised were marked out by him, and were just as well defined, and with just as much exactitude as the new division which was made in 1850, and necessarily so, otherwise there might have been a conflict of jurisdiction.

213. Mr. *Chichester Fortescue.*] No vicar apostolic would interfere with the territory of another vicar apostolic?—Not in the least, he would have no power over the border.

214. Mr. *Walpole.*] Is not that the law of the Church all over the world?—Yes, and it is the law of the Protestant Church.

215. Mr. *Chichester Fortescue.*] Then this change of ecclesiastical government, which was made in 1850, was based upon reasons of internal advantage?—Clearly so.

216. Irrespectively of any relations between the Roman Catholic Church in England and its neighbours?—Quite independently; it was exclusively for our own purposes.

217. Mr. *Forster.*] And the desire for it, and also the result, were, that there was less absolute power exercised by the Pope over the hierarchy than there had been before?—Certainly.

218. Mr. *Bruce.*] It was a regular instead of an irregular Government?—Precisely; it reduced things to a system where before there was no system.

219. Had the increase in the number of Roman Catholics anything to do with it?—There is no doubt about it, because when the increase in the number of Roman Catholics was considerable, the work for a bishop of course increased with the number of people, and with the number of the clergy; and representations coming from such an increased body carried more weight with them. The bishops themselves, the vicars apostolic, I mean, and the clergy were all desirous of this change.

220. Have you in your possession any estimate of the progressive increase of the Roman Catholic population in England and Wales?—I have nothing which could be depended upon; I could not put in anything as fixing it with any degree of certainty.

221. Can you form any estimate of the present number of Roman Catholics in England and Wales?—No; the number in London, to begin with, is larger than the whole population of Rome.

222. Mr. *M'Kenna.*] It is larger than the whole population of Dublin, is it not?—Yes.

223. Mr. *Walpole.*] Are they not chiefly Irish?—There are a great many Irish, but I do not know that they are chiefly Irish.

224. Mr. *Bruce.*] There are foreigners?—There are a good many foreigners, but not so many as you might expect.

225. Mr. *Forster.*] You, I think, stated that the power of a vicar apostolic was greater than the power of a bishop; how was that the case?—A vicar apostolic might make law for himself; a bishop could not do it.

226. Can you give us any practical illustration; law for what purpose?—Of course, so far as dogma went, he could not touch it, that is fixed and irremovable; but in the mode of applying his episcopal power, for instance, supposing questions to arise between himself and his clergy, they might be dealt with in many ways; they might be dealt with in a judicial manner, or they might be dealt with by the vicar apostolic of his own will and pleasure without consulting anybody.

227. Would he have a greater power than a bishop, for instance, in convicting one of his clergy of heresy?—No, he would have no greater power, and his conviction would not carry with it the weight of a conviction by a bishop in ordinary, because it must now go through a regular process, which is well known all over the world; but a vicar apostolic might jump at it; that was one of the incidents of that state of government.

228. Had the vicar apostolic greater power of suspending any of his clergy from their cure?—He was not obliged to assign any reason.

229. Mr. *Walpole.*] Was there any appeal?—Yes, there was an appeal to Rome.

230. Mr. *Forster.*] The difference was, that in the one case the Church was governed by the absolute will of the vicar apostolic, and in the other by fixed regulation?—Yes.

231. Mr. *Cavendish Bentinck.*] What is the difference now as regards the appeal; in the case of a bishop in ordinary, is not the appeal also to Rome?—Yes, but then it goes through a formal judicial process before any judgment is given. If a question arises between a bishop and any one of his clergy, it is settled by means of a court of clergymen, which the bishop appoints.

232. The bishop is the ultimate judge, is he not?—Yes, there is a *quasi* judicial inquiry, which is followed by the bishop's sentence.

233. And the appeal from the bishop is to Rome?—Yes.

234. The appeal from the vicar apostolic is also to Rome?—Yes, but to use another illustration, it is an appeal from the Lord Chancellor in Lincoln's-inn to the Lord Chancellor in the House of Lords; it is precisely the same thing. As respects the bishop, the matter is tried by eight or ten persons to begin with before it reaches the bishop.

235. The appeal in either case, whether from the bishop or from the vicar apostolic was to Rome?—Yes, but under very different circumstances; of course it must go to Rome, as being the final court of appeal.

236. Mr. *Brett.*] The bishop was bound to decide according to known laws, but the vicar apostolic could decide as he liked?—Yes, the vicar apostolic could suspend a clergyman without assigning any reason at all, and the clergyman suspended must find out the reasons for his suspension as best he could, if it was thought convenient that the vicar apostolic should make the disclosure he would make it; if it was not thought convenient for him to do so, he did not make it.

237. Mr. *Cavendish Bentinck.*] The ultimate appeal from either of those parties was to Rome?—Yes, it is the court of last appeal in spiritual matters.

238. Mr. *Walpole.*] Was the vicar apostolic appointed by any written instrument?—Always.

239. Were the terms of his powers contained in such an instrument?—In modern documents, probably not because they would merely be an echo of the past.

240. They would refer back to the past?—Yes.

241. Could you furnish us with any appoint-

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ment which would give us an idea of the powers of a vicar apostolic?—Would not that be putting in a papal brief, and so subjecting myself to the penalties of this Act?

242. Mr. *M'Kenna.*] Do I rightly understand you to mean that there is this distinction between the former process of appeal and the present, that in former times there would be no record to bring up on an appeal to Rome, and that at the present time there would be a positive record to take up?—Precisely; the proceedings would be carried up to Rome, upon an issue taken in those proceedings, and judgment given accordingly; but formerly there were no proceedings at all; and strictly speaking there was nothing to appeal.

243. Mr. *Attorney General for Ireland.*] Is it a code of written laws to which you refer which regulates the action of ordinary bishops?—Yes.

244. Is it in existence, and is it capable of being produced?—The laws of the Church generally apply here, but there are local laws made for the special government of the Church in England which were made by the bishops, founded upon the general canons of the Church.

245. You have stated as a distinction between the working of the system under bishops, and its working under vicars apostolic, that the bishop is obliged to proceed according to the regular laws of the Church?—Yes.

246. What laws of the Church do you refer to?—So far as it is applicable to this country I am alluding to the general body of the canon law, a great deal of which has no reference here whatever, because it belongs to a past period; but for the purpose of working out many of these questions the bishops have made a code among themselves of certain regulations, by which we are bound.

247. Is it since 1850, that that code has been made?—Yes.

248. Has it been printed?—Yes, it has been printed for their use.

249. I suppose that it can be produced to us?—There is no difficulty about it; it is in Latin.

250. Before that, you say that the action of the vicar apostolic was absolute?—Yes.

251. Was not he guided in his action by the rules of the canon law?—He might be, or he might not.

252. Was not he bound by the canon law as well as any other ecclesiastical functionary; was not the vicar apostolic supposed to act according to the canon law of the Church?—The canon law was not applicable here, because the canon law is only applicable where there is a hierarchy through which it can be applied; its machinery is not directed to any other mode of church government.

253. Was not the conscience of the vicar apostolic guided by the established law of the Church?—I presume that his conscience would be guided by what he conceived to be the necessity of the case presented to him.

254. Was not his conscience guided by the canon law of the Church?—No doubt his desire was not to do anything against it.

255. Was it or not by the canon law of the Church that the conscience of the vicar apostolic was guided?—It ought to have been guided by the canon law of the Church.

256. If an appeal lay to Rome from the decision of a vicar apostolic here, would not the decision at Rome be, according to the canons of the Church, applicable to such case?—I of course assume that it would be so.

257. And of course it would be so in the case of an appeal from a bishop?—It would; the difference being, that in the one case you go up with a regular process which has been gone through here, and in the other case you go up with no process at all.

258. Formerly, if any person felt himself aggrieved by the decision of the vicar apostolic, he appealed directly to the See of Rome?—Yes.

259. But in the case of a bishop, the matter must go through the form of a regularly constituted court, the bishop, I suppose, being the person appointing that court, and there being, I presume, an appeal from the decision of that court so appointed, to the See of Rome?—Yes.

260. You have made some allusion to the instruments appointing vicars apostolic; is there such a document?—They have no longer any existence.

261. But there were documents appointing these vicars apostolic?—There must have been.

262. Where were those documents kept?—I suppose that each vicar apostolic would have the document appointing him; whether those documents were withdrawn, on the constitution of a hierarchy, I do not know.

263. Are you aware of the existence of any one of them, or a copy of any one of them?—I am not.

264. Is it possible to procure a copy of any of the bulls or rescripts appointing the vicars apostolic?—I think that I could find them in print; they have been published in many books.

265. Is it by a bull or by a rescript that a bishop has been appointed since 1850?—It is by a brief; bulls are now, I believe, very rarely issued; the distinction is rather more in the form of the instrument; it is rather more clerical than otherwise.

266. Is there an instrument issued from the Papal See appointing each bishop?—Yes.

267. Is it possible to produce before the Committee a copy of one of those briefs?—Whoever did so would bring himself under this Act.

268. Independently of that, is it possible to do it?—I should think so; I cannot produce them; I have not the custody of them, nor access to them; each bishop would have his own brief.

269. Is any copy kept anywhere of any of these documents?—I suppose not; a minute would be made of it at Rome.

270. Is there a printed form?—Yes; you will find them in the Formularies.

271. Can you produce one of these forms in blank before the Committee?—Yes; I have no doubt that you would find them in the library here.

272. You also stated that these vicars apostolic who were appointed to different districts in England, had certain local designations?—They had local designations after 1840.

273. Can you tell me what the local designation of any one of them was?—The Vicar Apostolic of Yorkshire.

274. Was he named in that way in any Papal brief or rescript?—I never saw the brief, but I have no doubt that he was; he would not be called the Vicar Apostolic of Yorkshire, but his powers would be limited to that county.

275. Would not the form be, that he was called

called the Vicar Apostolic of the Holy See here, and was required to exercise his functions within a particular locality?—Yes.

276. But he was not designated as the Vicar Apostolic of Yorkshire?—No.

277. No such title was known to the Church at that time?—No; nor is it known now.

278. Under the present system, since 1850, he is appointed the bishop of a particular locality, and takes his name from the locality?—Yes.

279. And within that locality he exercises his episcopal powers?—Yes; which are purely spiritual powers.

280. Mr. *M'Kenna.*] Those episcopal powers are the powers of inspection of the Church?—And regulating the clergy, and granting faculties for the exercise of functions within his spiritual jurisdiction, or withdrawing them as he sees occasion.

281. Are we to understand the word "see" to mean anything more than the seat of the bishop?—The seat of the bishop represents the district; the see represents the district within which the bishop's authority is exercised. The See of London represents the district within which the Anglican bishop exercises his jurisdiction.

282. That has come to be understood?—It is perfectly well understood; and a diocese is only another name for the same thing.

283. The diocese is, as I understand it, the jurisdiction of the bishop?—Yes; for modern purposes the terms are synonymous.

284. Mr. *Bruce.*] Do any of the Roman Catholic dioceses of England follow the limits of the old dioceses?—None of them; that was carefully avoided.

285. Mr. *M'Kenna.*] Do I rightly understand you to say that care was taken that there should be no clashing in the dioceses?—The greatest care was taken so that there should not be even the appearance of it.

286. Mr. *Attorney General for Ireland.*] With reference to your statement that there is now fixity of tenure, parish priests, I presume, are now appointed by the existing bishops?—Yes. We are obliged to distinguish between places which are altogether dependent upon the alms of the congregation, and those in which there is a small endowment. Where the missions, as we term them (for they are still called missions), have any fixed stipend, which gives assurance of its permanence, they have been erected into missionary rectories, and the priest holds his appointment for life, and cannot be removed except for canonical cause; and by degrees these missionary rectories will be extended.

287. Mr. *Brett.*] Where there is no endowment can the mission be removed by the bishop?—It cannot be removed, but it may cease from want of means.

288. Then the priest may be removed at the pleasure of the bishop?—Yes, because those are the terms of his appointment. He gets promotion, and then he has the same protection as the missionary rector has. His appointment is not for life, but he can not be removed without cause.

289. Mr. *M'Kenna.*] No such missionary rectories could have existed according to the laws of the Church in force before 1850?—They could not, because there was no one to give effect to them; they could have had no permanence, because the establishment would have died with the person, either on his death, or retirement, or removal.

290. Mr. *Bruce.*] Has a Roman Catholic bishop in England any court for trying matters ecclesiastical?—He has the assistance of his clergy, who are named *ad hoc*, and who are well known; it depends upon the nature of the inquiry. If he likes he may direct a commission to clergymen in the neighbourhood so as to save expense, and for the greater convenience of making the inquiry.

291. Then is it the fact that there is no regularly constituted court for trying offences or causes?—I think that there is such a court in every diocese.

292. Is it constituted *ad hoc*, or is it subsisting?—I think that it is subsisting.

293. How is it constituted?—It is constituted by the bishop himself at his pleasure; but upon that matter I can hardly speak with certitude, because I have never been called upon to act.

294. How far does the province of the Archbishop of Westminster extend?—To the whole of England. His diocese comprises Middlesex, Essex, and Herts.

295. Has he any jurisdiction over any of the bishops?—He is the head of the hierarchy here.

296. He is the first in rank?—Yes.

297. Has he any archiepiscopal power over any province; for instance, is there any appeal from the bishops in their courts to the Archbishop of Westminster, in his court?—Practically I think that all those questions, in order to avoid any difference would be referred to Rome. The province of the Archbishop of Westminster is the whole of England; and I suppose that, as archbishop, he might take appeals and judge spiritual causes which came before him here, but I believe that, practically, they all go to Rome.

298. Mr. *Cavendish Bentinck.*] Is the assumption of a territorial title necessary to the existence of the bishops in ordinary?—The canons of the Church prohibit the consecration of any bishop except to an ascertained diocese; he cannot be made a bishop without a see. He cannot be made a bishop for ornament; it is expressly prohibited.

299. Might he not be constituted as bishop of one see and exercise his functions in another?—No; he has no authority out of the diocese to which he is designated by the Pope; it is an impossibility.

300. In countries where the Roman Catholic Church is not the Established Church, such, for instance, as in Russia, what is the case?—Of that I am not quite sure. In Russia there are two rites; there is the Latin rite, and the Greek rite.

301. I refer, of course, to bishops in communion with the Church of Rome?—I am speaking of those bishops; the United Greeks are in strict communion with the Holy See. I am, however, not quite sure how the case is in Russia; I think that they are bishops *in partibus.*

302. In the case of the bishops of the Russian Empire, they are bishops *in partibus,* and consequently in the nature of vicars apostolic?—I think so; I am not quite sure, but there is no communication whatever now, in Russia, with the Holy See.

303. Is it not the fact that a bishop *in partibus* must be a vicar apostolic, and not a bishop in ordinary?—Pardon me, a bishop *in partibus* may be

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be simply a bishop *in partibus*, he may have nothing to do, but there is his see.

304. Of course I assume that he is exercising spiritual functions. A bishop *in partibus* cannot exercise the ordinary functions of a bishop in ordinary, at all, can he?—Yes, a bishop *in partibus* is a bishop in ordinary, *quoad* his own diocese.

305. But not out of his own diocese?—Certainly not.

306. And if he was called upon to exercise his spiritual functions, he would exercise them as a bishop *in partibus*, would he not?—No; he might exercise them by letters of request from another bishop if the first bishop was ill or absent, or if there was anything of that sort; but the second bishop could not intrude himself.

307. Mr. *Howes.*] A bishop *in partibus* might have the title of Bishop of Mauritania, or Bishop of Adramyttium, or any other title; but he would exercise functions in another district?—Yes; the See still remains, having once been created a bishopric. A bishop is appointed to it, and then, in order to give him work, he has functions awarded elsewhere.

308. The Bishop of Adramyttium, for instance, might act in a district assigned to him in England?—Yes, under power from the Holy See, as vicar apostolic, but not as bishop in ordinary. Being a bishop, of course he can confer orders, and do those other acts which it is committed to a bishop to do.

309. It is clear that his title as bishop need not be taken from the district in which he is to act as bishop?—It must be so if you want to have a fixed and regular government; it must then be a local diocese. You cannot have a bishop *in partibus* exercising functions as ordinary in any other district than his own.

310. Mr. *Bruce.*] He may perform some occasional duty in it, but cannot perform all the duties of the diocese?—Just so.

311. Mr. *Cavendish Bentinck.*] How are the dioceses in Italy governed which were left vacant for several years by reason of the political position of the country; for instance, the archbishopric of Milan was vacant for a number of years, in consequence of the political disputes between the King of Italy and the Pope?—Yes.

312. Were not those dioceses without canonical bishops?—There might be a canonical bishop or there might be none; the see might be vacant. If the see is full, although the bishop is in exile, the bishop still governs; his mere personal presence is not necessary.

313. Is it not the fact that they cannot exercise their functions in any way?—As regards anything which is wanted for the mere government of the Church, those cases are very much fewer in the Protestant Church than in ours. As regards those things which are the proper functions of a bishop, of course, they could not be supplied, but everything else could.

314. If I remember rightly, the last time that I was at Milan there was a bishop residing, who had been sent there to exercise his functions?—The see might be full, or the see might be vacant. If the see was full, he might be acting by letters of request from the archbishop, whose personal presence might be prohibited.

315. Mr. *Bruce.*] Since the Act of 1851, have the bishops remained here, performing their functions with titles known among themselves?—Certainly they have.

316. Mr. *Chichester Fortescue.*] Whatever Protestants may think, you and other English Roman Catholics consider that the change made in 1850 was a great improvement with respect to the internal affairs of the Roman Catholic Church in England?—Beyond all question.

317. And you thought that in making it you were not doing any harm to anybody else?—Certainly; every pains was taken to avoid it.

318. *Chairman.*] Will you be kind enough to tell the Committee whether any practical inconveniences have arisen from this Act?—Difficulties have arisen, but I cannot say that practical inconvenience has arisen, because the Act has been disregarded or overlooked; attention has not been paid to it; but I believe that if the Act was strictly applied, the very gravest inconvenience would result to us.

319. Mr. *Bruce.*] Can you state any particular instance in which it would have arisen, except for judicious management?—It would have arisen wherever the intervention of a bishop *quâ* bishop was necessary as the trustee or manager, or as interfering in any way in the governing body of a charity, or as the recipient of a charitable bequest. I take it that if this Act was strictly applied, there would be no such person. I take it that as this Act stands, there is no such person in law either in England or in Ireland as a Roman Catholic Bishop. All his jurisdiction is determined by this Act; not only the brief by which he is appointed, and in virtue of which he is given as bishop to that particular district; but all his authority whatsoever is made absolutely void by that Act, so that in law there is no longer any such person either in England or in Ireland as a Roman Catholic Bishop.

320. Do you remember the difficulties which arose in the Committee of Council on Education, with regard to the Roman Catholic clauses respecting the poor schools?—Yes; before the passing of this Act a management clause had been settled between the bishops or the Poor Schools Committee representing the bishops and the Committee of Council on Education.

321. After long negotiation?—After long negotiation. As the bishop was to have a certain control in the management of the school, and the removal of the masters, and otherwise; of course it was necessary that the limit within which his control should be exercised should be defined, and it was made conterminous with the district within which he exercised his authority. At that time there was no difficulty raised. After the passing of this Act, when the Management Clause was to be reduced into a model trust deed to be used as a deed of reference for all Roman Catholic schools receiving aid from the Privy Council, it was objected by the Privy Council that the reference to a district was an infringement of the Act; the question was referred to the Attorney and Solicitor General, and they gave an opinion that it was so. That opinion was published at the time; it was the opinion of the present Lord Chief of the Court of Queen's Bench, Sir Alexander Cockburn, and the present Vice-Chancellor Sir William Page Wood.

322. Supposing that to have been the case, it would have been necessary to renew the arrangement with respect to each particular school with every fresh bishop appointed to superintend the affairs of that district?—Yes.

323. Practically, how was the difficulty got over?—It led to some further discussion; and the

the difficulties were found to be such that at last a form of words was suggested which was adopted, and the matter was allowed to drop.

324. That form of words carefully avoided any allusion to the territorial jurisdiction of the bishop?—I think that it is open to all the objections which the Attorney and Solicitor General pointed out. However, it was thought impossible to prepare anything which should reach absolute certainty, and so it rested in that form, which was adopted by the Privy Council, and it has been acted upon ever since.

325. Have you the form of words which is now used?—I have the Privy Council print of the deed of reference which shows the existing form of words.

326. Will you give us first the very words which were originally agreed upon, and then those which were substituted for the words previously agreed upon; will you give us first of all the arrangement made in 1850, and then the arrangement made after the passing of the Ecclesiastical Titles Act?—I have one of these documents.

327. The agreed form, as stated by Mr. Hope Scott, I think was in such words, that the authority of "the Roman Catholic bishop for the time being of the district, or other ecclesiastical division," was recognised?—That is so.

328. And his authority was, I suppose, pretty nearly the same as the authority of a bishop of the Established Church, with reference to spiritual questions arising in the management of schools in connection with the Committee of Council?—Yes, the one clause was founded upon the other.

329. That being the case, what was the clause which was substituted after the passing of the Ecclesiastical Titles Act?—The language of the clause was altered, and that clause will be found in this deed.

330. But in that deed there is no allusion to territorial title?—The model deed was founded upon the school at Kemerton, in Gloucestershire, which was within the diocese of Clifton; the bishop was made a party to it, and he is described in the deed as "The Right Reverend James Burgess, of Clifton, in the county of Gloucester, Doctor in Divinity, and Roman Catholic Bishop."

331. Was there any acknowledgment of his ecclesiastical jurisdiction over the Roman Catholic priest of that school?—In the clause by which the government and regulation of the school is limited, there are these words, "And the said school and premises, and the funds and present endowments thereof, and such future endowments in respect whereof no other disposition shall be made by the donor thereof, shall be directed, controlled, governed, and managed as hereinafter specified; that is to say, the priest or priests for the time being having care of the congregation assembling for religious worship at the Roman Catholic church or chapel of St. Benet's, in the parish of Kemerton aforesaid, under or by virtue of faculties duly received from or confirmed by the said Roman Catholic bishop or his successor for the time being, so long as such faculties shall be subsisting and unrevoked, shall have the management and superintendence of the religious instruction of all the scholars attending the said school."

332. Do you consider that provision to be in strict accordance with the Act of 1851?—If you ask me my private opinion, I say certainly not.

333. Will you give me your reasons for saying so?—My reason is the reason which I have already assigned, namely, that I conceive, upon the true construction of that Act, there is not now, and has not been since the day when that Act received the Royal assent, in law, nor can there be in law, any Roman Catholic bishop in England or Ireland.

334. Is there not also a recognition of the power of Bishop Burgess, or of his successor, to intervene in the affairs of the school at Kemerton?—Clearly.

335. Thereby recognising a territorial jurisdiction over Kemerton?—Clearly.

336. There could be no successor of Bishop Burgess (unless you recognised every Roman Catholic bishop) except the bishop of that particular district?—Just so; the mention of one excludes the other.

337. Therefore, the existing trust deed was only made possible by a palpable evasion of the law of 1851?—That is my opinion.

338. And without such a trust deed no arrangement could have been made for extending assistance to the Roman Catholic schools?—The aid would have been suspended from that time thenceforth.

339. Mr. *Chichester Fortescue.*] Then the words, "The Right Reverend James Burgess, of Clifton, in the county of Gloucester, Doctor in Divinity and Roman Catholic Bishop," are a circumlocution in order to avoid saying "Roman Catholic Bishop of Clifton"?—Yes.

340. Mr. *Bruce.*] Is there any other passage in the deed which, in your opinion, is a violation of the strict letter of the law?—There are the words, "And the power of electing such person shall be vested in the remaining members of the said committee, until the said Roman Catholic bishop, or his successor for the time being, shall, in writing, direct that the election shall be by the contributors to the funds of the said school."

341. What would the successor of that bishop be; what can possibly be the meaning of that expression?—The Bishop of Clifton, under papal brief.

342. Or at any rate, the bishop of some territory which includes Kemerton?—Yes. Then, again, there is the declaration, "That no priest shall be or continue a member of the said committee, or exercise any control or interference whatsoever in the said school who does not hold faculties duly received from or confirmed by the Roman Catholic bishop aforesaid, or his successor for the time being, subsisting and unrevoked." And the same is the case whenever anything is to be done. The bishop has power to call for accounts, and to examine and audit them. The words are, "And shall from time to time, and at all times hereafter, upon the request of the said Roman Catholic bishop or his successor for the time being, produce and show forth to him," and so on; and the accounts are to be audited upon a particular day, to be fixed "by the said Roman Catholic bishop or his successor." Then, as to the chairman of the meetings it is to be settled by the said "Roman Catholic bishop or his successor."

343. The Privy Council were put into this position, either that they would be obliged to violate the contract into which they had entered with the representatives of the Roman Catholics in this country, or that they were to invent a convenient mode for evading the law?—That is so.

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344. Mr. *Attorney General for Ireland.*] Will you look at the instrument in your hand; supposing that before 1850 an arrangement similar to that had been about to be made for the school at Kemerton, and that instead of saying Bishop So-and-so, of Clifton, these words had been used, "The Right Reverend James Burgess, of Clifton, in the county of Gloucester, Doctor in Divinity, and Vicar Apostolic of the district of Clifton;" would not that have operated precisely in the same way, according to your judgment, as the words of the deed before you?—As I understand it, you are speaking of a period antecedent to the passing of this Act.

345. Antecedent to the change made by your Church in 1850?—Then there was no objection to any form of words; the bishops might as well have been described as vicars apostolic, as anything else.

346. I am talking of carrying out the same intention as the deed in your hand carries out; substituting for the words there used, the words, "The Right Reverend James Burgess of Clifton, in the county of Gloucester, Doctor in Divinity, and Vicar Apostolic of the district of Clifton, and his successors being such vicars apostolic;" would not those words have operated in the same way?—Certainly not; the one was not conterminous with the other; the diocese of Clifton is very limited.

347. I speak of any district or diocese, comprising within it the parish of Kemerton; I want to see the practical distinction between the two cases, if any?—There was no objection to the description in any form, either as bishop or as vicar apostolic.

348. I am asking with respect to the practical form of a deed like that in your hand; Kemerton is now situated within the diocese of Clifton of your Church?—Yes.

349. Within what apostolic district was it situated before the Act of 1851?—The western district.

350. Supposing that this deed had been executed before 1850, and had contained the words, "The Right Reverend James Burgess of Clifton, in the county of Gloucester, Doctor in Divinity, and Vicar Apostolic of the western district of England," would there have been any practical difference in the working of the two as regards that school at Kemerton?—Yes; because, in the first place, there would have been no western district after 1851, and then the ecclesiastical district in which Kemerton was placed was limited, and was under the jurisdiction of another person.

351. What difference would there have been between the state of things before 1850 and the state of things after 1850 *quoad* that school?—Before 1851 the authority of the vicar apostolic over Kemerton would have been all the authority contained in this deed, but after that time it would have been suspended altogether; Kemerton was within the western district up to the time of the subdivision into dioceses, but not subsequently; it would have had no application at all, and he would have had no authority, and the thing would have been suspended.

352. Supposing that no change had been made in your church system, would not the practical working of a deed like that under the vicar apostolic have been precisely the same as regards the school at Kemerton, as the new working of it under the bishop. If that deed had been executed before 1850, and instead of containing the words, "the bishop and his successors," as mentioned in that deed, had contained the words, "the vicar apostolic of the western district and his successors;" and if no change had been made in your Church in 1850, would not the practical working of that school under the vicar apostolic have been the same as the practical working of it under the bishop?—Most decidedly not.

353. Why?—Because the powers of the vicar apostolic are very different from the powers of the bishop in ordinary; the powers of the bishop in ordinary are limited, but the powers of the vicar apostolic are unlimited.

354. What powers has the bishop under the deed in your hand?—Powers which he can only exercise in a canonical way, which is perfectly well understood; and any irregularity in the exercise of them would be at once condemned; the vicar apostolic is under no such restriction.

355. Mr. *Brett.*] You have stated that you think that that deed is an infringement of this Act?—Of course it was not willingly an infringement of the Act; nobody wished to do so.

356. Mr. *Bruce.*] It was an evasion of the Act?—Yes.

357. Mr. *Brett.*] You stated, that you thought that it was an infringement of the Act?—You asked me for my opinion as a lawyer upon it, and I gave it.

358. As a lawyer, which enactment in that Act do you think that it infringes?—The preamble of the Act is limited, but the enacting part of the Act is unlimited. The first clause is, "All such briefs, rescripts, or letters apostolical, and all and every the jurisdiction, authority, pre-eminence or title conferred, or pretended to be conferred thereby, are and shall be and be deemed unlawful and void."

359. This is not an infringement of that?—The jurisdiction which the bishop exercises is founded upon the identical brief which is declared here to be "unlawful and void."

360. Mr. *Walpole.*] I think that you have said that the preamble or the title of the Act is limited; and that you have further observed that the section is unlimited. In that section which you have just read, are there not words of reference, namely, "All such briefs, rescripts," and so on; does not what you call the unlimited section refer to a limited preamble, and must it not be interpreted with reference to that limitation?—Certainly, but what appears to be a limitation is in point of fact, no limitation. The word "such" of course must have reference back to those particular letters apostolic which are designated by date and particulars, or which are referred to generally; but there can be no others; all the briefs are of the identical character with these; they are all for the consecration of priests in holy orders to be bishops of particular districts, or territorial sees.

361. Does not the Act of Parliament confine itself to "briefs, rescripts, or letters apostolical," which comprise territorial titles?—It refers of course to certain "briefs, rescripts, or letters apostolical," from the See of Rome, and particularly a certain brief, dated the 29th September 1850.

362. Mr. *Bruce.*] And those are the briefs which are issued?—Yes; then it says, "that all such briefs," that is not only those mentioned in the preamble, but all those of the same description,

tion, and for the like purpose; it does not stop at "briefs," but says, "and all and every the jurisdiction, authority, pre-eminence or title conferred or pretended to be conferred thereby, are and shall be and be deemed unlawful and void."

363. Mr. *Brett.*] When you say that the deed which has been referred to is an infringement of the Act, somebody infringes the Act; who infringes the Act by this deed?—I suppose all the parties who are concerned in the preparation, or in the issue of it, down to the stationer's clerk who engrosses it.

364. I suppose that you would say that that comes under the part of the 2nd section, which forbids any person to "assume, or use the name, style or title of bishop"?—I say that it comes under the whole scope and tenor of the Act.

365. The first section is, "All such briefs, rescripts, or letters apostolical" (this is not any one of them), "and all and every the jurisdiction" (this is not a jurisdiction), "or title conferred or pretended to be conferred thereby, are and shall be and be deemed unlawful and void;" that document is not within this section at all?—All I can say is that I differ from you.

366. Do you say that this document is an infringement of the first section, or will you tell me whether anybody by this document infringes any part of this Act of Parliament; and if so, what?—I take it that the infringement consists in recognising the jurisdiction of the bishop conferred by the papal brief, which under that Act is declared to be not only unlawful but null and void.

367. Mr. *Howes.*] Do you recognise by that anything more than the title of the bishop?—You recognise his jurisdiction; because the word "jurisdiction" is used in almost every clause throughout the deed.

368. Mr. *Cavendish Bentinck.*] Do you think that counsel would not require to see the particular bull or rescript which appointed the bishop?—I do not know what counsel would require to see.

369. Does not counsel look upon it just in the same light as the authority of any other Dissenting minister exercising spiritual functions in that parish?—How counsel might regard it I do not know. Dissenting ministers, such as the Wesleyans, do not pretend to orders.

370. They would not say so?—I know that John Wesley consecrated a bishop, or attempted to do so.

371. Mr. *Howes.*] This is a penal statute?—It is a penal statute.

372. Therefore, do you say that it applies to a mere spiritual jurisdiction which is valid only as regards the persons who acknowledge it?—Whether what I have stated was intended or not by the persons who framed the statute, I do not know, but I believe that to be the effect of it. I believe it to be a repeal of the Emancipation Act. I believe it to be a taking away from us of all that we enjoyed by the Act of the 18th of George the Third.

373. Mr. *Attorney General for Ireland.*] Supposing that the system of vicar apostolic had been continued, and that this Act of Parliament had been passed, can you point out to us any way in which that Act of Parliament would have interferred with or affected the system of government adopted by vicars apostolic?—It would not have affected the system of government by vicars apostolic, for the simple reason that they were not bishops in ordinary here. They were bishops of foreign sees exercising jurisdiction by delegation from the Holy See.

374. Mr. *Chichester Fortescue.*] It would have been a different form of brief?—Yes.

375. It would not have been one of the briefs referred to in the first clause of the Act?—It would not.

376. Mr. *M'Kenna.*] Are the Committee to understand that if such a deed as that before us had been executed before 1851, and if the bishop had been described in such a deed as the vicar apostolic, such vicar apostolic would have been thereby invested with less restricted powers than are now vested in the bishop?—I take it that, of course by the hypothesis, the powers conferred by the deed would be the same; but the mode of exercising them would be very different. In the one case the vicar apostolic would be his own judge as to whether he was right or wrong, and in the other case the bishop could be called up if he was thought to have at all infringed the rules of the Church.

377. Then, so far as the Act of 1851 is concerned, it rather restricted the powers which an ecclesiastical person would have under the operation of this deed?—Yes; that is to say, it obliged him to exercise those powers after a given manner, but no such restraint would have existed upon the other hypothesis.

378. Mr. *Bruce.*] Are the briefs which are now issued, by which the bishops are appointed, in accordance with the Ecclesiastical Titles Assumption Act?—Certainly not; no change has been made; and the form of brief remains precisely the same, and will do so till the crack of doom. The law is, in fact, that there is no such person, and that the whole thing is absolutely void.

379. And the Privy Council is dealing with those persons who are existing under an unlawful title?—Yes.

380. Mr. *Chichester Fortescue.*] Every brief now constituting a Roman Catholic bishop contains an ecclesiastical title assigned to that bishop, does it not?—It contains the ecclesiastical district; it provides that he is to be bishop of such a see, and spiritually govern such a district. In the original briefs it was clearly defined, and in the subsequent briefs it would not be necessary, the thing having been well understood, and the bishop would then be consecrated to that particular see, the boundaries of that see being well known. But all that is for purely spiritual purposes; it has no civil tendency of any sort or kind.

381. Are you aware of any particular in which the practical relations of the Roman Catholic Church in England, or in any diocese in England, to other denominations, have been changed by the change of internal government which took place in 1850?—There is none, that I am aware of, in the least degree; it only concerns ourselves.

382. Mr. *Walpole.*] I think that you have stated that the present form of the Privy Council deed was settled, after some doubt as to the other form which had been submitted to the Privy Council agent?—There were various delays; the draft of the deed could not be delivered until the form of the management clause was settled, and during that interval this Act passed; but the deed was sent to the Privy Council in the form in which it was originally drawn, and then the objection

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objection was taken that the reference to a district would be an infringement of the Act.

383. I think you have mentioned that counsel gave their opinion upon it?—There was a good deal of discussion upon it in the Privy Council Office, and it was then, I think, referred to the law officers, to know whether the mention of a district would be an infringement of the Act.

384. Could you supply the Committee with the form which was furnished to the law officers?—I have not it by me. The opinion was communicated to us, and, if I recollect rightly, was printed in the Report of the Poor School Committee.

385. Mr. *Brett.*] In what form would the bishop execute this deed; in what name would he sign?—"James Burgess."

386. You stated that you thought the Act interfered with charitable bequests?—It would interfere with them if that restriction was introduced.

387. Is it your opinion that the bequest would be void, or is it your opinion that the bishop by taking under the bequest would bring himself within this Act?—It would be *tertium quid*, the gift, I think, would be good, but then there would be nobody to take it, and that is the way in which the parties intended to be benefited would be deprived of the gift. The case almost arose in one matter where the attention of the Court was directed to the Act, and it was held to be an impediment in our way, and that we could not receive the gift, and then, upon a statement of what the Privy Council had done, and upon the production of this identical copy, the order was made, and the money was received.

388. Mr. *Bruce.*] I understand you to say that, according to your view, there is no Roman Catholic bishop who has been appointed either in England or in Ireland since the Ecclesiastical Titles Act, who, in the purview of the law of England, is a bishop?—I say a great deal more than that; I say that there has been no bishop either before or after, because this Act is not only enacting, but is declaratory, and it is therefore retrospective in its operation.

389. If that view is correct, the provisions of the Charitable Bequests Act of 1844 would be simply useless?—Simply useless.

390. Supposing that view not to be a correct one, might not there still arise a good deal of practical inconvenience from the fact that the Roman Catholic population, and especially in Ireland, are accustomed to recognise their bishops by certain territorial titles which have existed from time immemorial, say, for instance, the Roman Catholic bishop of Limerick; might not there be cases in which bequests might be made to that bishop for charitable purposes which would become void from the fact that he was designated by a territorial title?—I believe that they might.

391. Have such cases arisen?—There has been no case of which I have any personal knowledge in which that state of things has arisen, and of which, therefore, I have any right to speak. I wish to be perfectly accurate in all the information which I give to the Committee.

392. So, again, if under an endowment in a will the bishop or archbishop of an old and well-known see was alluded to, that portion of the will of the testator would be useless?—I believe that it would if this Act was applied in its integrity.

393. Mr. *Chichester Fortescue.*] I suppose that in framing trust deeds in favour of a Roman Catholic bishop and his successors, it is found necessary to have recourse to the same kind of circumlocution as that to which the Privy Council has had recourse in the case to which you have referred?—Yes; but the difficulty would remain, because if the gift was made to the bishop, as at law there can be no bishop, so there can be no recipient.

394. Mr. *Bruce.*] There can be no Bishop of Limerick, for instance?—Just so, and, therefore, an endowment for the support of the bishop would be void.

395. Mr. *Chichester Fortescue.*] In all these cases it is possible to avoid the legal difficulty so far as regards not attributing to the bishops territorial titles; but in your view it is not possible to avoid the law because you are of opinion that no bishop is existing?—Just so; he must be a bishop of a particular see.

396. Mr. *Bruce.*] I presume that in times past bequests have been made for the benefit of certain persons in recognised ecclesiastical districts in Ireland?—Yes.

397. Are they still valid; if no ecclesiastical district is mentioned, how can it be shown to what district they are referable?—They were always recognised, and until the passing of this Act there was no question about them as to their limits of jurisdiction, or their right to exercise it; the form of bequest has, I believe, been established over and over again in Ireland.

398. Supposing a bequest to be made for supporting a Roman Catholic priest in the diocese of Limerick, how would that bequest be applied under the existing law?—I do not know how it would be applied in Ireland at all.

399. Mr. *Attorney General for Ireland.*] Do you know how it has been in several cases applied, in point of fact?—No.

400. Do you know how such a bequest as a bequest to the Roman Catholic Bishop of Cloyne is applied?—No; I have no personal knowledge as to the fact; my knowledge is confined to England. I do not deny that it may have been done over and over again, but I have no personal knowledge on the subject; probably that crucial test has not yet been applied.

401. Mr. *Bruce.*] Have you heard of English judges in our courts having been astute to avoid the provisions of impolitic Acts of Parliament?—Yes, they have had a reputation for it.

402. And it may be that Irish judges may do the same thing?—Yes.

403. Mr. *Brett.*] In your view of this Act of Parliament, have you taken into consideration the law of bequests which is, that if a bequest in terms is sufficient to identify the party for whose benefit it is made, it is a good one?—It certainly cannot be a good bequest in law if it is for the support of a man who is attempting to exercise an unlawful and void jurisdiction.

404. Mr. *Cavendish Bentinck.*] Is it your opinion as a lawyer that if a bequest were made to the "Right Reverend James Burgess, Roman Catholic Bishop," it would be void?—Upon the face of it, it would not be void, if made to him as Roman Catholic bishop, because he might be an American bishop, or a French bishop.

405. Mr. *Brett.*] If it was "The Right Reverend James Burgess, Roman Catholic Bishop of Limerick," would it be void?—I should say that there would be no one to take it.

406. Mr. *Bruce.*] It might be good as to "The Right

Right Reverend James Burgess," but not as to "Bishop of Limerick"?—That would be another question; it might be given to him *personaliter*, or it might be given to him *officialiter*.

407. Supposing that it was given to him, the name being left out, and that it was given to him as Roman Catholic bishop, how would it be?—I apprehend that it must fail.

408. Mr. *Chichester Fortescue.*] I take it that when the Government appoints a Roman Catholic chaplain to a workhouse or a prison, the Roman Catholic priest cannot accept that appointment without some authority from his bishop?—He has his letters of orders from his bishop to show his successive ordinations to priest's orders; and besides that, he shows that he has jurisdiction and authority to exercise his sacred office within certain limits; those two documents are granted by the bishop, whose spiritual subject he is, and who must express in the document the character in which the certificate is granted.

409. Does the bishop, according to the law of the Church, express in those documents the ecclesiastical title under which he issues them?—He must do so in every case, from the very necessity of the case, but particularly with regard to an army chaplain going abroad, because if the form of certificate given were not well understood and recognised, no foreign bishop would understand or appreciate it. If, for example, Dr. Burgess signed as "James Burgess," no French bishop would understand who James Burgess was.

410. In these cases the very action of the Government comes in conflict with the provisions of this Act?—Clearly.

411. Mr. *Attorney General for Ireland.*] Did you ever know an instance in your experience of the appointment of a Roman Catholic clergyman to a Government post in which the head of the department appointing him desired to ascertain the validity of his orders?—Certainly not, but he might do so.

412. Is it not the invariable practice that he is assumed by the Government appointing him to be properly exercising the functions?—No; I should say that that would be a very lax assumption; they must ascertain that he is a clergyman, and duly authorised to officiate, and they must have the authority of somebody for that fact.

413. Did you ever know an instance where, upon the Government appointing a man to an official position, they required to see the letters of orders, or the documents giving him the right to exercise his clerical functions?—Not within my knowledge.

414. Did you ever hear of such a thing being done?—No, because the Government apply to the bishop to send them a duly qualified man, and he does so; that is always done.

415. Can you state any instance within your knowledge where that was ever done?—I have not known any instance personally; but I know that it is the only way in which it can be done, because a priest cannot be accepted except through the bishop.

416. Is that a matter of fact?—It is a matter of necessity.

417. It is a matter of opinion?—No, it is a matter of necessity. I do not say that the production of letters of orders is ever asked for, but I say that the appointment is not made upon the priest offering himself.

418. Do you state that as a matter of fact, or as a matter of opinion?—As a matter of fact.

419. Can you tell me of any one instance in which you know of such a reference having been made to the bishop, or have you ever heard of its being done?—I never knew an instance in which it was not done. I have known several of the army chaplains, and they have always told me that they were there upon the recommendation of a bishop. I cannot conceive how it can be otherwise.

420. But you do not know that, as a matter of fact, the thing has been done?—I have not been privy to it.

421. Mr. *Paull.*] Was there any disability under which the priests laboured when under the ecclesiastical jurisdiction of the vicars apostolic?—They were always in a state of incertitude; nothing could be permanently done; the arrangements made by the vicar apostolic were personal to himself, and they could not bind his successor; they terminated with his office, whether by death or removal.

422. So that a priest appointed to any cure would then lose his appointment?—Not only so, but he might be removed at any moment by the vicar apostolic without assigning any cause.

423. Mr. *Chichester Fortescue.*] Are you of opinion that if this Ecclesiastical Titles Act were to be *bonâ fide* put in force as ordinary living modern Acts of Parliament are, the greatest possible difficulty would arise in many respects between the law of the land and the Roman Catholic body in England?—So far as my own knowledge and conviction extend, I am certain of it.

424. The fact that such difficulties have not arisen, is caused by that other fact, that the law of 1851 is a dead letter?—That is so.

425. Mr. *Walpole.*] Have you any reason to state that it is a dead letter, except in the instances which you have given?—It has never been applied to my knowledge in anything.

426. The Act, I think, is confined to the assumption and the use of a title on the part of a Roman Catholic bishop?—That is as to the 100 *l.* penalty; there is a great deal more in the Act than that.

427. With regard to the penal part of the Act, at any rate, it is confined to the assumption and use of the title?—The prohibited use of the title is personal.

428. And you take a distinction between the second clause, which inflicts the penalty, and the first clause which refers to the preamble?—Yes.

429. Mr. *Bruce.*] Have you ever known an English Roman Catholic prelate assume the title of a see?—Am I to give evidence against him?

430. Have you known instances of Roman Catholic prelates assuming the titles of sees?—I have read pastorals purporting to be issued by bishops under their territorial designation; they are open to all the world.

431. Have they been occasionally published?—Yes, they are to be had in any shop all over England.

432. Mr. *Paull.*] Is it the practice of Roman Catholics to address the bishop by a title which under this Act he is not to use?—Sometimes it is the practice, and sometimes it is not. That we really do not regard at all; civilly speaking, it is a fact of no importance what the bishops are called; but we must not interfere with the free and unfettered exercise of their spiritual jurisdiction.

433. As a fact, is it the practice of the Roman

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Catholics to address, either in person or by letter, a bishop as the bishop of a locality?—Yes, as a rule, it is so, undoubtedly.

434. Have you ever known any bishop take any means to prevent that from being done?—No; it does not concern him; he may be addressed in any form of words which may please the letter writer.

435. Mr. *Chichester Fortescue.*] As there ought to be some legal designation of a Roman Catholic bishop in this country, what should you say would be a rational designation which the law might adopt?—I think that the designation which we have taken is about as innocuous as it is possible to conceive; it interferes with nobody; it has no civil force, and is not sought to have any civil force in the kingdom.

436. What designation do you refer to?—I refer to the territorial titles, which are condemned by that Act.

437. You mean simply such a title as "Bishop of Clifton?"—Yes.

438. Would there be any objection if the law were to recognise such a designation as "the Roman Catholic Bishop of Clifton?"—We take it that there can be but one set of bishops, and that in England out of the Roman Catholic Church there are no bishops at all. If you ask us to limit ourselves, and to call ourselves by any particular designation, whether it be "Roman Catholic," or any other designation, it admits of a distinction between ourselves and the existence of another set of bishops, which we do not admit. You may call our bishops Roman Catholic bishops, if you like, so that the implication referred to is not made, as the Privy Council required, in dealing with the Poor School Committee. The Poor School Committee, when they were first organised for the general management of our poor schools throughout the country, called themselves "the Catholic Poor Schools Committee." The Privy Council took objection, and would not deal with us till we called ourselves "the Roman Catholic Poor Schools Committee." We said, "We do not object; you may call us what you please, so that we may go on."

439. You admit that the penal law of England cannot deal with purely ecclesiastical questions, and therefore cannot deal with the question of schism in a purely ecclesiastical sense?—Just so; and therefore it would be inexpedient to do so by the expression of any title which could draw attention to it.

440. You suppose that all the law ought to do is to provide a certain rational designation for a certain ecclesiastical personage?—Certainly.

441. Mr. *Brett.*] Your view would be that we should let it alone?—If it is necessary, let the law find some mode of designation; but I think it better to let it alone.

442. Do you think that the Roman Catholics of England would object to a designation which would let their bishops take a territorial title, but would oblige them to take the words "Roman Catholic"?—I do not think that they would.

443. Mr. *Chichester Fortescue.*] Whereas, as in Ireland, the Roman Catholic and the Anglican sees are identical, it would be necessary, as a matter of convenience, to provide some designation?—Things have gone on for a very long period without any such change, and I do not know why they should be disturbed.

Tuesday, 16*th July* 1867.

MEMBERS PRESENT:

Mr. Attorney General for Ireland.
Mr. Cavendish Bentinck.
Mr. Brett.
Lord Frederick Cavendish.
Mr. William Edward Forster.
Mr. Chichester Fortescue.
Mr. Gregory.
Mr. Howes.
The Judge Advocate.
Mr. MacEvoy.
Mr. M'Kenna.
Mr. Walpole.

EDWARD MACEVOY, ESQ, IN THE CHAIR.

Mr. JAMES ROBERT HOPE SCOTT, called in; and further Examined.

Mr. *J. R. H. Scott.*

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444. *Chairman.*] Is there any correction which you would wish to make in your previous evidence?—Yes; I was obliged, from not being able to look into the matter myself at the time, to take from another quarter the condition of matters in Ireland. I have since that time had my attention called to a portion of my previous statement by Mr. O'Reilley, who writes to me from Ireland upon the subject; and that led me to examine the Act of 1833, under which it is popularly supposed that some of the establishment bishoprics were abolished. As a matter of fact they have not been abolished; they have been united to other dioceses, and I believe that the titles are borne by the Anglican bishops together with their old titles, and therefore I was wrong in saying that they were abolished.

445. Mr. *Walpole.*] What portion of your former evidence do you refer to?—It is at the beginning: "In Ireland the See of Rome holds that the succession of the Roman Catholic hierarchy has never been interrupted, and the titles of the ancient sees have consequently been retained; some of these however were never adopted by, and others have since been abolished, in the Established Church." They have been united with other bishoprics. That you will see in the Act of 3 & 4 Will. 4, c. 27, the Act of 1833. I should add, that I find I was mistaken in supposing that only one see is of modern erection by Papal brief. There was a separation of the diocese of Ross from the diocese of Cloyne, which was the subject of debate in 1851; and I believe that some other changes have been made in Ireland, but I cannot speak to those particularly. I mean among the Roman Catholic bishoprics there. Subject to those observations I have nothing to correct.

446. Mr. *Chichester Fortescue.*] Do you remember when that debate to which you allude took place?—Yes; the Right Honourable gentleman, the Member for the University of Cambridge, will probably recollect an alteration which was made in what was called "The Walpole Clause," by Sir Frederick Thesiger. As the clause first stood, and as it was proposed by that Right Honourable Gentleman, it was not so extensive as it now is. I think that his clause related only to the particular brief of 1850 (his recollection probably will enable him to speak to that); and then I think Sir Frederick Thesiger, as he then was, proposed the words "all such briefs," which words are now in the Act, and it was in the course of the discussion upon that subject that the separation of Ross from Cloyne was mentioned; and I think it was cited as a reason why there should be that extension. That was upon the 23rd of May 1851.

447. Mr. *Walpole.*] What do you say happened then?—It was upon that occasion that the brief with regard to Cloyne and Ross was alluded to. Sir Frederick Thesiger said, "The dilemma in which the Government was placed was this, that there was another rescript of posterior date to that which created the English hierarchy, which abolished the jurisdiction of the Roman Catholic Bishop of Cloyne over the Roman Catholic See of Ross, which latter was created into a new diocese." That was when Sir Frederick Thesiger intimated his intention of altering the words, "the said brief," at the beginning of Clause 1, into "all such briefs," which are now the words in the Act; and the reason which he gave was, that there were other briefs producing the same effect, and that therefore the words ought to be enlarged.

448. In your previous evidence you begin by stating the difference between the Irish Roman Catholic hierarchy and the English Roman Catholic hierarchy?—Just so.

449. With regard to the Irish Roman Catholic hierarchy, you state that it "has never been interrupted, and the titles of the ancient sees have consequently been retained." Is that an accurate historical statement; in point of history, is it not a fact that the Roman Catholic hierarchy did come to an end at the close of the reign of Queen Elizabeth?—I cannot tell you, and for this reason, that it cannot be a purely historical question; it is a mixed question of law and fact, to which on one side one law would be applied, and on the other side another. On my side the law has been applied by a judge whom we consider capable of deciding the question, and therefore I am satisfied with the view taken by the

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Church of Rome on the subject; the See of Rome has always so held it.

450. Am I not right in supposing that with the exception of two Roman Catholic bishops, all the other bishops then in Ireland joined the Reformed Church?—I cannot tell you; I have not studied the question.

451. You have no particular information upon the point?—No.

452. With regard to England, you state (and we had some evidence upon that point at our last meeting) that "in England before the year 1850, the Roman Catholic Church was (as in Scotland it still is) governed by prelates, who bearing the titles of sees *in partibus infidelium*, exercised their jurisdiction as vicars apostolic of the Pope"?—Yes.

453. With the exception that during a portion of the early part of the 17th century, when it was stated the other day that there were certain arch-priests appointed before bishops were appointed, that was the state of the Roman Catholic hierarchy down to the year 1850?—Yes; Mr. Harting has given, I think, the successive changes, and I have here what seems to have been asked for, which he could not give, namely, the brief, constituting the vicariates apostolic when they were made eight instead of four; I hold in my hand a copy of the brief, printed in a pamphlet published by Sir George Bowyer in 1851. I have not seen the original brief.

454. But you have no reason to doubt that that is an accurate copy?—None in the world.

455. And that is the brief appointing the the vicars apostolic?—It is the brief appointing the eight vicars apostolic; there were four before.

456. Does that brief give any idea of the functions and powers and duties which belong to those vicars apostolic?—No, because the word "vicar apostolic" is a *nomen juris*, and therefore there would be no definition of the subject; but it shows where they are to act, and it gives the titles of their districts.

457. Will you point to that passage?—This is the passage in Sir George Bowyer's translation. After the recitals the words are, "Therefore of our proper motion, certain knowledge, and the plenitude of our apostolic power, we decree that all the provinces or regions of which the London, Western, Midland, and Northern vicariates have been composed, shall hereafter constitute eight vicariates, viz., London, Western, Eastern, Midland, Wales, Lancashire, Yorkshire, and Northern. Moreover, to each of these eight vicariates we by the same apostolic authority give and assign for the bounds and limits of each of the districts now about to be described," so and so; I need not go through that.

458. Then it describes the particular district belonging to each of those bishops *in partibus*?—Yes. "These then are the districts to be assigned to each vicariate, within the limits of which each vicar apostolic may exercise his ecclesiastical jurisdiction respectively." And you will observe that before that, there had been what was called the London district, and there then were to be, amongst others, the Welsh district, and the Lancashire district, and the Yorkshire district.

459. Then, as I understood you, that rescript gives the different vicars apostolic the power within a certain district, such as the London district, the Welsh district, the Lancashire district, or the Yorkshire district, to exercise their functions?—Undoubtedly, those powers being derived from the Pope, and he delegating these powers in his character as bishop of the whole of England.

460. You mean claiming to be the bishop of the whole of England?—Yes; I am speaking of the act which the Pope performed, and the sense in which he performed it.

461. Is it not the rule in the universal Catholic Church, that no bishop can intrude into the see of another bishop?—If there be a canonical bishop, he certainly cannot do so.

462. It would be schism, if he attempted it?—Unquestionably.

463. Then if any bishop was to intrude into the see of another bishop, in this country, it would be, in the eye, at least, of that portion of the church which was in this country, a schismatical act?—There is no doubt at all about it; the fact is that the Roman Catholic Church would not be justified in placing bishops anywhere in England, or in Ireland, if it did not deny the authority, of the bishops of the establishment: it is, of course, an issue between the two religions, which it is of no use blinking.

464. But the Roman Catholic Church assumes that the English episcopate has no existence?—Most undoubtedly; the appointment of any ecclesiastical officer whatever of the Roman Catholic religion, and the appointment of any priest exercising cure of souls, is a negation of the Established Church; and that is a part of the religion which is supposed to have been freed by the Act of 1829.

465. That being the state of the Roman Catholic hierarchy in this country, previously to the year 1850, what episcopal powers or functions were they incapacitated from discharging by not being bishops in ordinary?—That matter has been so fully gone into, by Mr. Harting, that I think that it is hardly worth while to repeat it; I may, however, say that one point is the fixity of tenure both of bishops and of priests: and, secondly, there is the institution of chapters and the power of holding synods. Before we go from that subject, perhaps you will allow me to call your attention to what I have been obliged to pick up as I could, namely, a fragment of the original institution of the vicars apostolic. I find that Sir Roundell Palmer quoted it in the debate, and, I have no doubt, quoted it correctly; he says, "The Papal Bull creating the episcopate was framed on that creating the vicars apostolic, and founding that excellent system which the Honourable Baronet, the Member for Marylebone, so much admires. The words of the ancient Bull are: "*Potestate Catholica et jurisdictione vicarii apostolici generalis fulciatur, ac personas omnes tam ecclesiasticas quam laicas, intra Angliam degentes, secundum ecclesiasticas constitutiones regat et gubernet.*" That was the original Bull, and it was protested against by the Anglican Bishops, at the time, as strongly as anybody protested against the diocesan episcopate afterwards, for in the last address of the bishops of the Church of England to James II., Article 7, they say: "If you would please, by your Royal Proclamation, to inhibit the four Romish Bishops, who style themselves vicars apostolical, and by a foreign authority, not derived from your crown, ride circuit in the land, and have presumed to cantonize this your kingdom into four provinces, and to divide it among themselves (having printed maps of it accordingly); exercising therein a jurisdiction

jurisdiction of which the respective bishops have been long possessed, and which, by the laws of England, belongs unquestionably to them." Now I am anxious, in order to save time, that my view should be clearly understood; that, in point of invasion of the ecclesiastical supremacy of the Crown, everything which has been done, the appointment of an arch-priest, and the appointment of vicars apostolic, is equal to what was done by the appointment of the episcopate. Territory was in all cases assumed to be under the jurisdiction either of the Pope directly, or of those whom he appointed. Territorial limits were necessarily assigned for purposes of convenience, and it was just as much against Queen Elizabeth's view of her supremacy that an arch-priest should be appointed, as that a vicar apostolic or a bishop should be appointed.

466. That is your legal view of the subject?—Yes.

467. You would not be at all astonished if another person should take a different view?—No; but I had occasion to go very fully into the question years ago, when I drew the Foreign Jurisdiction Act for the Government; and the old rule of the civil law is distinct, and you will find no writer upon international law who does not lay it down as a first principle that territory is the foundation of jurisdiction. The moment you invade territory at all, a question of international law arises between temporal Powers, and, in the same way, between ecclesiastical Powers.

468. In the year 1850 a change took place with regard to the Roman Catholic hierarchy, and bishops in ordinary were attempted to be appointed?—They were appointed, although they are not legal bishops in ordinary, "legal" being in the sense of the law of England, and nobody ever supposed that they would be.

469. Mr. *Forster.*] Throughout, when you use the word "legal," you mean legal according to the English law?—Yes.

470. Mr. *Walpole.*] You state in your previous evidence, that the Act of Parliament which was passed in the year 1851, "for the first time in modern legislation struck at the foundation of the whole government of the Roman Catholic Church in the United Kingdom; for, not content with extending the prohibition of the Act of 1829 to the assumption of titles not already appropriated to the Established Church, it declared every instrument from Rome creating a province or diocese, "and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred, thereby, to be unlawful and void;" are you quite correct in that statement with regard to the Act of Parliament; does not the Act of Parliament, in the enacting part of it, refer to the preamble, and say, not that all and every instrument from Rome creating a province, or diocese, and so on, shall be void, but does it not refer to such instruments coming from Rome as are alluded to in the preamble?—There is no doubt that it means only such briefs as give jurisdiction with a territorial title to a bishop. Assuming the old law, which was taken to be the foundation of the recital in the preamble, namely, the Statute of Elizabeth, and the Statute of *Præmunire,* to have been rightly construed as constituting illegality, the recital in the preamble and the enactment of the Act of 1851 are apparent limitations of the old prohibitions, but those are obsolete.

471. Are not you a little too general when you say that the Act of 1851 "declared every instrument from Rome creating a province or diocese, and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred, thereby, to be unlawful and void;" ought it not to be more strictly alluded to in this way: that every such instrument as those referred to in the preamble was declared to be unlawful and void?—It is subject to that observation; but I made that statement with a knowledge that there was no other instrument of the kind in existence in England or in Ireland; I am, however, quite willing to qualify it, and if you please, I will say every instrument falling within the terms of the Act. I was more intent upon the practical question which arises; it unquestionably relates to the annulling of a jurisdiction conferred by a brief which at the same time gives a territorial title; but as all the briefs under which the episcopates in England and Ireland exist are of that nature, it did not occur to me to make any distinction; I am, however, very glad to make the correction.

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472. Without now offering any opinion upon the legal effect of the statute, we will proceed to what we may call the practical part of your observations; the first part of your evidence which refers to any practical operation which the Ecclesiastical Titles Act is supposed to have had, alludes to certain management clauses provided by the Committee of the Privy Council on Education?—Yes.

473. Can you give the Committee any information as to the form of management clauses relating to Roman Catholic schools before the Act of 1851?—I inquired, but was informed that no school deed had been arranged previously to the passing of the Act. I have here a letter of Mr. Lingen's, dated the 28th of November 1851, which is published in the Report of the Poor School Committee.

474. That was after the passing of the Act?—Yes; but a management clause had been agreed upon before the passing of the Act.

475. You are now referring to a management clause which had been agreed upon prior to the passing of the Ecclesiastical Titles Act?—I have looked into the reports, and I believe that it may be said that it was agreed upon, and the Privy Council were reproached with having departed from it.

476. Will you state what that proposed management clause was?—I think that I have stated it in my previous evidence. I there say, "The agreed form recognised the authority of the Roman Catholic bishop for the time being of the district, or other ecclesiastical division;" those are the words which I extracted.

477. Then the difference between those words and the assumed prohibition of titles under the Ecclesiastical Titles Act was, that those words referred to the Roman Catholic bishop, not as the Roman Catholic bishop of any particular place, but as the Roman Catholic bishop for the time being of the district, or other ecclesiastical division?—The district or division within which the school was.

478. But in that clause there was no intention of taking any episcopal title from a place in England?—The bishops were vicars apostolic at that time; I have the case, and opinion of the law officers, before me at this moment.

479. I think that you mentioned that there

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was some correspondence or negotiation in November 1851, with reference to the management clauses?—Yes.

480. The proposed management clause, which was more or less agreed upon, I think we have heard was departed from to a certain extent?—It was the subject of a correspondence, the opinion of the Crown officers having been taken, and they intimating an opinion that those terms which had been adopted before the passing of the Act could not under the Act be properly used.

481. Have you any objection to state what was the exact question put to the law officers?—I have it here in a letter addressed by the Secretary of the Committee of Council on Education to Mr. Langdale, which I will read: "Roman Catholic Schools—Model Deed.—Committee of Council on Education, Council Office, Downing-street, 28th Nov., 1867. Sir,—I have the honour to acknowledge the receipt of your letter dated the 25th instant; and in reply to that dated 31st May last, I am directed to state that my Lords have in the meantime judged it advisable to submit the draft model deed to the law officers of the Crown with the following inquiries—1. Whether the use of the terms 'Roman Catholic bishop for the time being of the district in which the school shall be situated,' would be contrary to the provision in the late statute 14 & 15 Vict. c. 60, s. 2? 2. Whether the law officers of the Crown can suggest any other words of a like import which can be safely used? To these inquiries respectively the law officers of the Crown have replied as follows:—1. We are of opinion that the phrase suggested in this question would be contrary to the provision of the statute. 2. We would suggest the use of these words in the description of the party to the deed: 'Officiating as a bishop of the Church of Rome and as the ecclesiastical superior of the persons in communion with that Church within the district,' and the use of the like words where reference is subsequently made to the bishop for the time being in lieu of the latter words. I have the honour to submit this opinion for the consideration of the Roman Catholic Poor School Committee.—I have the honour to be, Sir, your obedient servant, *R. R. W. Lingen.*"

482. By whom is that opinion signed?—That I suppose must have been the opinion of the present Lord Chief Justice Cockburn and Sir William Page Wood; but we have not the signatures; it is merely stated by Mr. Lingen to have been the opinion given.

483. In consequence of that opinion, was any change made in the intended management clause?—Yes; the alteration was made which you find in the Kemerton deed; of course we had not the names before; it was an A. B. case. The alteration was from "the Roman Catholic bishop for the time being of the district or other ecclesiastical division," into "the Right Reverend James Burgess, of Clifton, in the county of Gloucester, Doctor in Divinity and Roman Catholic bishop."

484. Has that been the form of the management clauses since that time?—I have inquired, and I am told that it has been so in every case; but I have seen no other instance.

485. In that case the Roman Catholics followed the opinion of the law officers of the Crown, and they altered the intended form into the form which is now generally adopted?—The Privy Council objected to the agreed form, a good deal of correspondence took place, and this form was adopted as a compromise.

486. The Roman Catholics acquiesced in it?—No, they did not acquiesce in the form suggested by the law officers.

487. At any rate, it has been the form used since that time?—I understand so, in every case, but I have seen none except that. The larger Kemerton deed is the one referred to as the model deed, but the school trusts are governed by a much shorter deed which refers to the larger deed. For present purposes, however, it is of course merely a question of the description.

488. You make the following remark as to the practical operation of the Act of 1851: "It is enough that a department of the State began during the existence of the very Ministry which introduced and passed the Act, and that the same department has ever since continued, under various Administrations, to disregard a law the observance of which would have been against the public policy of education and in violation of an official compact;"—do you think that that is the interpretation which would be put upon the acts of the Privy Council when they followed the opinion of the law officers of the Crown as regarded the law?—They did not take the opinion of the law officers of the Crown on any but one particular, namely the description; and though I think that this description is as near an evasion as anything can well be (for merely by a transposition of terms, you get it fully within the Ecclesiastical Titles Act), I have not relied upon that circumstance. The material point is this, that if Section 1 of the Act of 1851 has done what it was distinctly declared to be intended to do, then there are no Roman Catholic bishops in England at this moment. Certainly none are known except those appointed to bishoprics constituted by the Brief of 1850; and therefore I say that it was a violation of the Act to deal with any English Roman Catholic bishop in the sense of recognising his ecclesiastical jurisdiction, and that is done by the trust deed, where it is stipulated "that no priest" (there are several other passages, but I have only set out one) "shall be or continue a member of the said committee, or exercise any control or interference whatsoever in the said school, who does not hold faculties duly received from or confirmed by the Roman Catholic bishop aforesaid or his successor for the time being subsisting and unrevoked." Now, just let me state the matter very briefly, and, as it appears to me, in a way which does not admit of controversy. The Papal brief says, "In the western district we establish two episcopal sees, Clifton to wit, and Plymouth; to the first whereof we assign the counties of Gloucester, Somerset, and Wilts, and to the second the counties of Devon, Dorset, and Cornwall."

489. It established episcopal sees with territorial titles?—Yes. The Act recites this very brief, and declares that "all such briefs, rescripts, or letters apostolic, and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred, thereby, are and shall be, and be deemed unlawful and void." Then, the issue of faculties and the withdrawing of faculties being clear and distinct acts of jurisdiction, the Privy Council agrees with the Bishop of Clifton, that his jurisdiction shall not be held unlawful or void.

490. But the Privy Council, acting under the advice

advice of the law officers, suggested a form of words which I conclude they thought were not contrary to the Act of Parliament?—No doubt, not contrary to the second clause; but you have said before now that the first clause was by far the most important in the Act, and we know it to be so.

491. The law officers having given their opinion that such a form of words might be used in the management clauses by the Roman Catholic part of the population, would you think that they would be likely to have given that opinion either in violation of the law or in disregard of the law?—There is no evidence that they were ever consulted about anything except the mode of describing a Roman Catholic bishop.

492. Then do you not think that it would be fairer to presume that that form of words, being an alteration from another form of words which had been proposed before, and which was believed by them to be contrary to the Act of Parliament, was a form of words which was not believed by them to be contrary to the Act of Parliament?—I have never said that this description is an illegal description of a bishop; I say that it goes as near the wind as is possible in such a description. It is not the one recommended by the law officers; but I say that the law officers have given no opinion as to the management clauses involving the recognition of faculties by the bishop, and that the two questions are totally separate, the one being under clause 1 of the Act, and the other being under clause 2; and I think, that, probably intentionally, the law officers were not consulted upon the leading question.

493. We will now go to the second question, namely, as to the practical operation of the Act of 1851. You refer to the Act passed in 1844, "For the more effectual application of Charitable Donations and Bequests in Ireland," and you remark, "In section 4 of the Act of 1851 there is a reservation of all the provisions of the Act of 1844; how this reservation operates in regard to the legal position of the Roman Catholic archbishops and bishops in Ireland, seeing that the Act of 1844 recognises them and the Act of 1851 destroys them, may well be a question; but the insertion of the reservation shows a perception of the probable effects of the Act upon Roman Catholic charities, and, so far as Ireland is concerned, seeks to guard against it. In England, where there is no reservation, that effect may arise in the following, amongst other instances:—1. When a Roman Catholic archbishop or bishop, described merely as such, is the person to receive, as a trustee or otherwise, any bequest or gift. 2. When the action of the authority of a Roman Catholic archbishop or bishop, as such, is prescribed as a part of a trust. 3. When bequests for the benefit of former ecclesiastical districts have to be apportioned between new dioceses." With regard to the first instance, namely, "When a Roman Catholic archbishop or bishop, described merely as such, is the person to receive, as a trustee or otherwise, any bequest or gift;" supposing that the title is not added, I imagine that there would be no doubt as to the validity of the bequest?—There would be no doubt as to its validity, if he could be so described as to be sufficiently identified without his title.

494. If he was described with his title, is it your opinion that the bequest in that respect would be void altogether?—No. If he was taking merely as trustee, the thing would be different from his taking beneficially. There have been cases in Ireland, under the Act of 1829, which stand on a perfectly different footing. The Act of 1829 had merely prohibited the assumption of titles, and the bequests and gifts to those persons were recognised as good at that time, and would have been recognised now if this Act had not passed; but if everything which they have is destroyed by section 1 of this Act, then it is plain that everything to be taken in the sense to which I now refer, must be void also.

495. Has any case arisen either in England or in Ireland where a bequest of that kind had been made, and has been held to be void?—My reference to that class of cases is derived entirely from Mr. Harting. I have not been concerned in any one of them. The vicariates and the episcopates were not co-extensive. When a charity had been left for the benefit of a vicariate, and when a portion of that vicariate had been taken into one episcopate, and a portion into another, the question would arise.

496. That would apply to the third instance which you have given?—Yes.

497. We will go to the second instance, namely, "When the action of the authority of a Roman Catholic archbishop or bishop, as such, is prescribed as part of a trust;" will you explain whether you think that there would be a legal difficulty there?—For instance, a person leaves money in charity for the poor of such and such a diocese; it is to be distributed in the discretion of the Roman Catholic bishop (calling him by his title) of that diocese.

498. And you think that that would be a bad bequest?—I have not said that; I have said that the bishop's discretion would not be recognised in the distribution. If I were the testator I might have a special object in requiring the intervention of the bishop.

499. The same observation as you have made with regard to the first instance, you would make with regard to the second?—Certainly; and you must remember that ours is an Episcopal Church.

500. With respect to the third instance, namely, "When bequests for the benefit of former ecclesiastical districts have to be apportioned between new dioceses;" has such a case as that occurred?—Yes; I mentioned one just now.

501. What has become of the case?—If I understand Mr. Harting rightly, the case was taken into Chancery; it was not litigious, and that was done which justice required to be done, although law prohibited it. Of course I shall not name the cases, or the judges, but Mr. Harting spoke about them.

502. In point of fact, in that case which was tried by the Court of Chancery, the bequest was not held to be void?—No, because the Act was ignored. Supposing that there was a bequest for two places, one in Gloucestershire and the other in Somersetshire, which at the time were in one vicariate, and that afterwards Gloucestershire was put into one diocese, and Somersetshire into another, and that that was done by a Papal brief, and that the Court of Chancery had to apportion the fund; I ask any member of this

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Committee how it could be done if the Act was to be respected.

503. Was the Act referred to at the time when the case was heard and argued?—I believe that that was the case which Mr. Harting mentioned, in which the Act was referred to, and in which the trust deed, arranged with the Privy Council, was brought before the judge, and satisfied him upon the subject.

504. But the judge decided that the bequest should take effect, notwithstanding the Act?—That the new division of dioceses effected by the brief should not be considered void.

505. Mr. *Attorney General for Ireland.*] Can you furnish us with a reference to that case?—I would rather not do so; it is not fair.

506. Is it in the records of the Court of Chancery?—I believe that it is.

507. Was it not a public judicial act?—I suppose that it would be found in the records of the Court of Chancery.

508. Is there any objection to referring to that case?—I should prefer not to be the person to do it, nor is it within my scope, for I cannot give you the reference. I derive my information entirely from Mr. Harting upon that point.

509. Mr. *Walpole.*] The next head to which you speak with reference to the operation of the Act of 1851, is the case of the appointment of Roman Catholic chaplains required for the army or navy, or for any prison or workhouse?—Yes.

510. What is the difficulty which arises with reference to those appointments, in consequence of the Act of 1851?—You will see that I have stated in my evidence that no difficulty occurs, because the Act is never referred to.

511. What would be the difficulty arising from the Act of 1851 with reference to those appointments, supposing that what you conceive to be the strict operation of the Act, was to be enforced?—It is what I have stated in my previous evidence, and I will show you the kind of documents which the chaplain would have to produce.

512. You hold in your hand, as I understand you, two documents with reference to the appointment of Roman Catholic chaplains?—No; they are not with direct reference to the appointment of Roman Catholic chaplains. I will asume that there has been strict inquiry, we will say, by a board of visiting justices, amongst whom perhaps the admission of a Roman Catholic chaplain has been carried by a small majority. I will suppose one of those visiting justices to say, "We must, I presume, have a chaplain, but we must see that he is a right kind of chaplain, and therefore he must produce his papers to us." The chaplain would produce one or two papers, which would begin in this way, supposing that it were in the diocese of Southwark, "*Thomas, Dei et Apostolicæ Sedis Gratia Episcopus Southwarcensis,*" and those papers would be signed by that bishop; it is the common ecclesiastical form, and it being an act of jurisdiction to give faculties, and an act of jurisdiction to give orders, the bishop, according to ecclesiastical law, would set forth his title as bishop of a particular see, and would subscribe his name, and that would be evidence against the bishop that he had assumed a title, while under clause 1 of the Act it would be evidence of the exercise of a jurisdiction which by that clause is declared illegal and void.

513. Supposing that the bishop signed without mentioning the title, what would be the effect?—As Mr. Harting explained to you, such acts are not limited to England, and if the document in question were taken to Boulogne, they would ask, "Who is this Doctor So-and-so?" Whereas if he gave his title, it would be at once found out from the list of Roman Catholic bishops all over the world.

514. If you identified the bishop as being a person who could give a faculty, I presume that then no difficulty would arise as regards the appointment?—Excepting this, that those faculties being void, the chaplain is not a qualified chaplain.

515. Mr. *Forster.*] Taking the case which you have mentioned, of a board of visiting justices, where it has been decided by a small majority, that a Roman Catholic chaplain shall be appointed, we will suppose that one of the majority demands that proof shall be given that he is a properly qualified chaplain, and that the proof which you have produced is given, would it not be in the power of one of the minority, if he was so inclined, to use that proof in a prosecution against the Bishop of Southwark under the 2nd section of the Act?—It would be in his power to use it against the bishop and against the priest himself, because the priest would be putting in use those faculties derived from a bishop whose jurisdiction by the Act is declared to be void and unlawful; it would be evidence at the same time against both the priest and the bishop.

516. Mr. *Walpole.*] That is upon the assumption that the bishop signed as Bishop of Southwark?—He is obliged to do that as a Roman Catholic bishop when exercising jurisdiction; he has no other existence as bishop, except as Bishop of Southwark.

517. Supposing that this particular bull or rescript had never been sent over from Rome, and that the Act of 1851 had never been passed, would there be any difficulty in chaplains being appointed by bishops *in partibus*?—No, they could give faculties, but according to the view of the law, which is said to be declared in the Act of 1851, that also would be illegal.

518. I am supposing that the Act of 1851 had not been passed; would not the vicar apostolic, or the bishop *in partibus*, who was exercising episcopal functions within any district in England, have been able to have appointed a chaplain to a prison or to a workhouse?—It entirely depends upon the view taken of the law, and how far obsolete matter might be raked up; it was raked up to form the recitals of the preamble of this Act. If this Act had not been passed, nobody would have been punished for it, although research might have found reasons for a prosecution, as Lalor was prosecuted in the time of James I. This is only a removal by one stage from the Statute of *Præmunire.*

519. The three points into which we have gone, are the three main points, as to the practical operation of the Act of 1851, in which in your opinion if the law was put in force, it would operate detrimentally to the Roman Catholics?—Those are the three main objections; but, to speak in other words, the state of matters is this: wherever the temporal power, whether by courts, or by ministers, or otherwise, comes in contact with the Roman Catholic body, in all matters relating to their jurisdiction, the same difficulties must occur; and

and I have merely pointed out those as being the most notorious with reference to contact between the Roman Catholic communion and the civil power, such as was foreseen at the time when Clause 1 of the Act was put in, for an attempt was then made to limit it, which was refused.

520. I see that you give as your reason why the Act has not operated prejudicially, that you think that the law has been disregarded by the public offices and the judges of the land, and so on; and you say that no practical grievance, so far as you are aware, has been felt in consequence of this law?—I have said that as long as everybody concurs in disregarding the Act, and on the assumption that the Act is a perfect dead letter, there is no grievance, except the grievance of being kept in a state of apprehension that the law may at any moment be made operative.

521. But upon the counter assumption, which others might make, that the Act is not disregarded, still no practical grievance has arisen?—If you ask me to assume that which I cannot assume, you may deduce certain consequences from it; but the Act has two aspects, one as regards titles, and the other as regards the jurisdiction of all persons having titles; and, if you will allow me to refer to what took place in the House of Commons when this Act passed, you will see the importance which was attached to the first clause, which was considered the most important clause in the Bill.

522. Does that clause limit, in any way, the episcopal functions of the bishop?—Yes, where they are connected with title. If you can suppose a bishop to exist in England with no territorial title, the Act would not touch him, and you must go back to the Statute of Præmunire in order to touch him; but, inasmuch as all the bishops in England and Ireland have territorial titles, the grievance is complete, because it exhausts the whole subject-matter.

523. Have you referred to what was said by a very high authority, in the other House of Parliament, when the Bill got there, namely, Lord Lyndhurst?—Yes.

524. Was he of the opinion which you have stated?—I do not think that he expressed any distinct opinion; I think that he simply replied, "It is the old law;" I think, however, that he said that Lalor's case was one which ought not to have been cited. I will first point out what happened in the House of Commons upon Clause 1, before the clause passed: the late Duke of Norfolk, then Lord Arundel and Surrey, proposed this amendment, "Page 2, line 13, after the word 'thereby' (as it stands now in the Act) to insert the words 'save in so far as the exercise or use of such jurisdiction, authority, pre-eminence, or title shall be necessary for spiritual purposes.'" There was a fair raising of the question as to what the clause should include: the Attorney General said they proposed by this clause to "declare that certain briefs and rescripts, addressed to certain bodies in this country, were illegal and void (Sir Frederick Thesiger's amendment had not then been adopted); but if they adopted this amendment of the noble Lord (the Earl of Arundel and Surrey) they would declare that these briefs and rescripts should be legal and valid for certain purposes. If the main object of the rescripts related merely to spiritual authority he could understand it; but when the main object was to establish a hierarchy, with titles derived from places in this country, it seemed to him that at the same time they declared them to be illegal and void, they admitted them to be valid for certain purposes. They had said, no doubt, all along that they did not propose, by this Bill, to interfere with the spiritual authority of Roman Catholic bishops in this country, unless the exercise of authority was followed by ecclesiastical titles. They said so still; but if they asked them to go beyond that, and to say they would acknowledge the exercise of spiritual jurisdiction and authority by persons taking upon themselves temporal and ecclesiastical titles, they were asking them to do that which they declared to be illegal and void. It appeared to him, therefore, they should stultify themselves by adopting the amendment." I have never questioned that the whole Act runs upon jurisdiction, connected with territorial title; but, as I have said, all existing jurisdiction, both in England and in Ireland, is of that kind, and therefore the Act is fatal to the exercise of the whole of that jurisdiction.

525. With regard to the power claimed by the Pope to give an ecclesiastical title within the dominions of another Sovereign, are you or are you not aware that that power has frequently been denied both by Roman Catholic and by Protestant countries besides England?—Unquestionably; but in all the Roman Catholic countries temporal consequences would follow upon it; you cannot create a new bishopric in the midst of a Roman Catholic country where that religion is established by law, without largely affecting civil rights, and also many collateral rights, whereas in a country like England, where no sort of temporal power whatever is given by the appointment of a Roman Catholic bishop, and where there is an absolute denial on his part of the ecclesiastical supremacy of the Sovereign, as well as a denial on the part of Her Majesty's advisers of his supremacy, there is nothing else to be done.

526. You are aware that in Prussia titles have been refused?—Yes, but in Prussia there is a Concordat, or understanding, and greater freedom is given to the Roman Catholic bishops in Prussia than almost anywhere else. I may refer to matters not of very ancient history; a Concordat has often been talked of in this country, with the Holy See; and you, Sir, know that when there was a proposal to have representatives of the Court of Rome at the Court of England, it was all spoilt by the refusal that ecclesiastical representatives of the Roman Court should come to England. If you will not contract, and will only enact penal laws, we must do the best which we can for ourselves.

527. Mr. *Forster.*] With regard to the question which has just been asked by the Right Honourable gentleman, is it not the case that whenever, on the Continent, there is any intervention by the Government with regard to limiting the power of the bishops, the Government has in some way to mix itself up with the discipline of the Roman Catholic religion?—Unquestionably; whether it be a Protestant or a Roman Catholic Government it must enter into treaty with Rome, in order to be able to insist on any particular rights with regard to the discipline of the Church of Rome; and in countries which will not enter into such treaties, or which render them useless, there is, of course, nothing for it but for the Roman Catholic Church to proceed of its own authority.

528. Then if our Government or Parliament were to follow the example of Prussia, and were to endeavour to limit the power of the Pope by any

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any sort of arrangement for the appointment of bishops, it would be necessary, in order to do so, that we should depart from our great principle of not acknowledging the Roman Catholic religion?—Or at least not acknowledging the jurisdiction of the Pope.

529. Mr. Walpole has referred to the case of Prussia; are you aware what is the case in the United States of America?—There you may make as many bishoprics as you like, and I believe that the more you make the better they are pleased.

530. Is there any law in the United States which in any way interferes with any sort of designation which the Roman Catholics wish to attach to their hierarchy?—I believe absolutely none. I do not pretend to be well acquainted with the matter, but I certainly never heard of such a thing.

531. Will you allow me to ask you, as a lawyer, and as we all know a most eminent lawyer, what you understand to be the legal meaning of the appellation, say, of "Bishop of Southwark," as applied to a Roman Catholic?—It means the bishop of the see constituted at Southwark with a diocese which is described in the brief, and within which diocese his authority and jurisdiction as the bishop of the see of Southwark is exercised.

532. What I want to arrive at is this: supposing that the law was to acknowledge the designation, as applied to a Roman Catholic bishop, of "Bishop of Southwark," would that imply that the law acknowledged that the Bishop of Southwark had any power over any of the inhabitants of Southwark?—Certainly not any more than the saving of the Scotch bishops by section 3 of this Act, gives them the slightest temporal authority whatever. Clause 3 of the Act of 1851 says that "this Act," which is a prohibitory Act, "shall not extend or apply to the assumption or use by any bishop of the Protestant Episcopal Church in Scotland, exercising episcopal functions within some district or place in Scotland, of any name, style, or title, in respect of such district or place, but nothing herein contained shall be taken to give any right to any such bishop to assume or use any name, style, or title which he is not now by law entitled to assume or use." Now if the Roman Catholic bishops had been left alone, and if they had not been honoured by the passing of this Act, it never could have been questioned that they were non-existent as legal personages. When you come to deal with them by law, and say, "You shall not hold bishoprics, except in a particular way," you begin to give them a legal status; but prior to the passing of this Act, whatever authority they had, was an authority which could only be exercised by a voluntary submission to that authority, and the Scotch bishops govern in the same sense; their acts are regarded as the acts of the superiors of a particular community, just as in the case of the Wesleyan Methodists.

533. We will suppose this Act never to have been passed, and that the Privy Council in one of their school deeds were to insert the description of one party, as "the Roman Catholic Bishop of Southwark"?—Perhaps the most convenient plan will be to read the trust deed of Kemerton, with a slight inversion, "The Right Reverend James Burgess, Doctor in Divinity, and Roman Catholic Bishop of Clifton, in the county of Gloucester," would have been the designation.

534. Would the Privy Council, if they instructed their lawyer to insert those words in a deed, in any way acknowledge that this Bishop of Clifton had any power over any of the Queen's subjects, except the influence which they might choose voluntarily to put themselves under, of a spiritual nature?—Certainly not; and what is more, it would not even be that as regards the school, because all the direct powers of the bishop as regards the school are detailed in the deed, and it is in detailing those powers in the deed that we come upon that recognition of his spiritual jurisdiction which is involved in requiring that faculties should be given.

535. In the first clause of the Act, which is a declaratory clause, what am I to understand as the extent of the meaning of the words, that all such things are "deemed unlawful and void;" what is the legal signification of certain things being called "unlawful;" how far does anything which is done with such a designation come in danger from being so termed?—Various opinions have been held as to whether a bishop exercising jurisdiction under an unlawful brief, would, under the first section of the Act, be subject to indictment. You know that in the second clause there is a penalty with regard to the assumption of titles. I believe the better opinion to be (and I have the opinions at hand), that under the first section you might indict the bishop for misdemeanor, although there is a penalty under the second clause. I have the opinion of Mr. Justice Willes to that effect.

536. I understood you to say, in answer to Mr. Walpole, with reference to your second class of questions, that though there might be some doubt how far a bequest to a Roman Catholic bishop in trust might be affected, there would be little doubt that a bequest in which he was beneficially interested would be in danger; am I to understand the meaning of that to be this: we will suppose that the Bishop of Southwark, whom I have not the honour of knowing, was my relation, and that we had a common relation, and that I was the heir-at-law of this common relation, but that he left his property to the Bishop of Southwark, designating him as the Bishop of Southwark, should I be able to make any claim to that property on account of that designation?—I should be sorry to answer such a question as that offhand. Of course the first thing is for the Bishop of Southwark to come forward and make a claim, and if so, he must assume a territorial title, for which he will be at once liable to a penalty of 100*l.* If the property was left to him as a private individual, it might be a question whether he came under the first clause of the Act, which is a matter upon which I do not venture to express an opinion; but if the property was given to him as the Bishop of Southwark, and his successors Bishops of Southwark, he would not get it; there is not a doubt about it.

537. If the testator consulted you with regard to the wording of his will, you would take care that it was so framed that it should not be open to this charge?—Certainly.

538. I presume that I am right in supposing that all that the opponents of the Ecclesiastical Titles Act require is simply its repeal?—That is all.

539. They do not desire any legal acknowledgment of the title of Roman Catholic bishop?—So far as I know, certainly not. What they would

would desire would be, that a law which, if not found inconvenient at this moment, may become inconvenient at any moment, should be repealed, and that they should be left as they were before the passing of the Act.

540. You have stated that this Act revived an old Act under which persons would not otherwise be punishable; has such Act ever been declared obsolete?—No; but when the Government first intimated their intention of taking notice of the brief, they said that they would consult the law officers, and I observed, what is notorious, that they were advised by their law officers that the only way of proceeding against any of the parties who acted upon the brief, or acknowledged it, was by going back to the statutes of Elizabeth, and the earlier statute of Præmunire of Richard II.; and Lord John Russell stated in the House of Commons, and it was repeatedly stated afterwards, that a prosecution under those Acts would have been so invidious that it could not have been carried on; but that the law was there declared, and that the proper way was to re-declare it, which is done in fact by the Act. The Act which has been chiefly cited is the Act of Præmunire, the Act of 1392, and upon which Lalor was tried. I have here Lalor's case in Sir John Davis' Reports; and it is rather amusing.

541. With regard to the position of the Roman Catholic prelates in America, what is their position in Canada?—In Canada they are a part of the Established Church, so to speak; that is to say, they are distinctly recognised; and there are Acts of Parliament relating to them, though the ecclesiastical supremacy of the Crown extends to all those dominions; but I do not hold the case of Colonies as bearing distinctly upon the point now before us, because there is such a great variety of circumstances in Colonies. Take Malta; in Malta the Roman Catholic religion is distinctly established, and I have, if my memory does not deceive me, seen the Governor go to high mass; but that possession was taken with all its circumstances; it is hardly fair to go to any one of these instances in order to apply it to this country. But as regards Canada, I think that Mr. Justice O'Hagan referred to a Canadian Act, approved by the Crown, in which a Roman Catholic bishop is treated as a legal personage; and I think that a Roman Catholic bishop was one of the principal negotiators in the treaty for the union of the provinces, and came over for that purpose some time ago.

542. In the West Indian Colonies there is an established Episcopal Church, such as we have in England; do you know whether there is any Roman Catholic bishop there with a title, say in Jamaica?—I cannot tell you whether with a local title, but I am quite sure that there is a Roman Catholic bishop there.

543. In the United States, not only is there no law affecting the right of the Roman Catholics to designate their hierarchy as they please, but there has never been any attempt by the Legislature to pass such a law?—Not that I have heard of; it is constantly asserted that there is nothing of the kind, and I do not believe that there is anything of the kind.

544. Mr. *Attorney General for Ireland.*] Is there not a clear distinction between the exercise of a spiritual jurisdiction and the assumption of a territorial title?—There is none that I can conceive of, where there is a hierarchy; it is incident to a hierarchy that there should be a territorial designation; how can you conceive of any spiritual jurisdiction being exercised except with reference to a particular territory; territory is the basis of all jurisdiction.

545. Is there not, on your own statement, a clear distinction between the exercise of a spiritual jurisdiction within the territorial limits, and the assumption of a title derived from that territory?—The assumption of a title derived from a territory is undoubtedly a different thing from the exercise of a spiritual jurisdiction over that territory; and if we could suppose that the rules of the Church admitted of a regular bishop being instituted without a see, then the case might arise; but I say that, in point of law, the one is the same as the other.

546. Is not that distinction clearly recognised by the appointment of vicars apostolic before 1850, and of bishops since 1850?—I can hardly say so; because there was the London district, and the bishops were never called by their titles *in partibus in fidelium*, except as a matter of form; they were called by their British titles. There is a vicar apostolic now in the west of Scotland, who, in common parlance, is called the Bishop of Glasgow; and in the eastern district of Scotland the bishop is called the Bishop of Edinburgh. You choose some place where they reside, or you choose the general designation of the territory within which they exercise jurisdiction, to distinguish them.

547. You speak now of popular parlance, but I speak of the practice of the Roman Catholic Church prior to 1850?—There was never a bishop in his own diocese who had not a territorial designation; bishops were appointed to sees *in partibus*, but they only exercised jurisdiction as vicars apostolic, and to them was given the territorial jurisdiction which I have read to the Committee.

548. Is there not a clear distinction between the practice of a bishop *in partibus in fidelium*, exercising a *quasi* territorial jurisdiction, and the case of a bishop who exercises his jurisdiction in the very district from which he receives his title?—There is none in point of principle.

549. Are there not clear grounds for saying that the Royal prerogative, which has supremacy over the Church, is the only fountain of honour, and is the origin of all titles which are borne in the realm?—Yes; but the titles which we are speaking of are not titles of honour.

550. Is that quite clear?—They are not titles of honour, for they are not recognised as titles of honour. If you were to go to the Herald's College and ask the title of the Bishop of Southwark, they would answer you at once that he is non-existent.

551. Is not that very distinction clearly shown in the preamble to the Ecclesiastical Titles Act; that preamble recites, "And whereas it may be doubted whether the recited enactment extends the assumption of the title of archbishop or bishop of a pretended province or diocese, or archbishop or bishop of a city, place, or territory, or dean of any pretended deanery in England or Ireland, not being the see, province, or diocese of any archbishop or bishop, or deanery of any dean recognised by law"; and in the next recital it is said, "And whereas it is expedient to prohibit the assumption of such titles" (that is, titles derived from localities within the realm) "in respect of any places within the United Kingdom"?—No doubt.

552. Does not that clearly draw a distinction between

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between titles assumed with respect to places within the United Kingdom, and titles assumed with respect to other places?—No doubt the Act does.

553. And does not the preamble of the Act point to the very change which took place at the time in England, namely, the abandonment of bishops *in partibus*, and the constitution of bishops in ordinary?—No doubt. There are two parts of the Act, one which relates to the Queen's supremacy, and the other which relates to the assumption of titles which are not legal titles.

554. Is the objection really taken by Roman Catholics in this country to the negativing of the spiritual jurisdiction, which you say is raised upon the true construction of the first section, or is it as regards the second section?—It is principally to the first section; and if you have done me the honour of reading my former evidence, you will see that I have not made a single comment throughout that evidence upon the general question of the assumption of titles. It is a very inconvenient question, but, except so far as it impedes jurisdiction or affects property, it is a subordinate one.

555. In your opinion, would it satisfy the Roman Catholics in this country if the Act was so amended as not to interfere with the jurisdiction derived from Roman Catholic bulls or rescripts, but at the same time to prohibit the assumption of territorial titles within the kingdom?—I think that they would not be satisfied at all.

556. Then they would require that not only the first clause of the Act should be altered or struck out, but also that the second clause should be struck out, which interferes with Roman Catholic bishops assuming a territorial designation?—Undoubtedly; and I think that it would be very unreasonable to keep up the present enactment, for none of these titles are the titles of any archbishoprics or bishoprics in England. It is a very great inconvenience when I write to any of the Roman Catholic bishops with whom I have relations; I hesitate as to what title I should give them.

557. Of course you are aware that the existence of a bishop within any territorial district necessarily involves the exclusion of any other bishop within the same district, as regards the doctrine of the Church of Rome?—No doubt.

558. Does not the very change which was made by your Church in 1850 introduce a clashing between the position of the Roman Catholic bishop and the position of the Anglican bishop in the same district?—None, that I am aware of, which did not exist before, because the vicars apostolic before that time were ordinarily called bishops, and they were working with just as much contact with the bishops of the Establishment as since.

559. The fact of establishing a hierarchy of ordinary Roman Catholic bishops within the realm, from its very nature excludes the possibility, according to the doctrine of the Church of Rome, of there being an Anglican bishop within the same district?—Certainly; but so did the appointment of a vicar apostolic, and so did the appointment of an arch-priest; every one of those steps was an equal negation of the Established Church.

560. Is not there a great distinction between the existence of a vicar apostolic, as being a bishop *in partibus*, and the existence of a bishop in ordinary, as regards negativing the existence of another bishop?—No; the vicar apostolic represents the Pope, and therefore it is the Pope himself, in that case, who is in England by his vicar apostolic, and his presence in this way is of course as much a negation of the Protestant Episcopate as the establishment of dioceses. I was myself once the vicar general of an English bishop. If any other party had sent in a vicar general, I should have said, "You are interfering with my jurisdiction; it is a denial of the rights of my bishop."

561. Do you think that there is no distinction in the view of the Roman Catholic Church between assuming the title of any one of the bishops of the Anglican Church, and assuming a name which does not give a title to an Anglican see?—In the case of England that was the difference, and I know that the greatest possible pains were taken to avoid the assumption of any title of an Anglican bishop. At the very last moment, before the issue of the brief, there was a doubt, and it was solved before the brief was issued.

562. Is there a Roman Catholic Bishop of Liverpool?—Yes.

563. Are you aware that not long ago it was contemplated to establish a bishopric of Liverpool, in the north of England, separating it from the diocese of Chester?—I am not aware of what has been proposed in those matters.

564. Then you are not aware whether any objection was made by the Roman Catholic body in Liverpool to the creation of that new see?—Now that you mention it I remember seeing something upon the subject in the newspaper, but that is all that I know about it.

565. With regard to the Charitable Bequests Act in Ireland, I will call your attention to the 15th section, which is the first that refers to Roman Catholics. The language of that section is, "In trust for building, enlarging, upholding, or furnishing any chapel or place of religious worship of persons professing the Roman Catholic religion, or in trust for any archbishop or bishop, or other person in Holy Orders of the Church of Rome, officiating in any district, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion": does not that carefully guard the Statute from recognising any territorial title or designation of any of these bishops?—Yes; but there is a very important section in that Act, to which, perhaps, you have not referred, namely, Section 6. You are aware that the Commissioners, besides the *ex-officio* Commissioners, are 10 persons, who are mentioned in the second section, and it says, "of which 10 persons five, and not more than five, shall at all times be persons professing the Roman Catholic religion"; then if you go to Section 6, you will find "Provided always, and be it enacted, that the consideration of all charitable donations and bequests, and of matters relating to them, in which any question shall arise before the said Commissioners concerning the usages or discipline of the United Church of England and Ireland, or of any body of Protestant Nonconformists, shall be referred to a committee of the said Commissioners, consisting of those Commissioners who are Protestants, and that the consideration of all charitable donations and bequests, and of matters relating to them, in which any question shall arise before the said Commissioners concerning the usages or discipline

pline of the Church of Rome, shall be referred to a committee of the said Commissioners consisting of those Commissioners who profess the Roman Catholic religion; and that whenever by reason of reference to or intendment of any usage of any such church or body, or any district or division in use according to the discipline of any such church or body, the object of the donation, devise, or bequest, shall not be defined with legal certainty in the deed or will creating the trust, the committee to which the same shall be referred, shall certify to the Commissioners who is, according to the uses and intendment of such church or body, the person for the time being intended to take the benefit of such donation, devise, or bequest, or other particular facts concerning the usages or discipline of such church or body necessary to be known for the due administration of the trust according to the true intent and meaning of the donor; and the Commissioners shall receive every such certificate as evidence of the facts certified, and shall give effect to such donation, devise, or bequest accordingly, so far as the same may be lawfully executed according to the provisions of this Act: Provided always that nothing herein contained shall be construed to limit or affect the jurisdiction of any court of law or equity." That clause is one of the greatest possible importance in any such case as you are now alluding to; and I apprehend that the Roman Catholic portion of the Commissioners would have it in their power to certify simply who was the party intended to benefit by the bequest, and that that would be final and conclusive upon the general body.

566. I do not see the bearing of that upon my question as to the 15th section?—The bearing is simply this, that although a bishop may be described, in a bequest or otherwise, by his title, it will be in the power of the particular body of the Commissioners to whom the matter is referred, to look at the instrument, and if they find that there is an illegal description they will certify that according to the will of the donor or the law of the Church, say Bishop Moriarty, instead of the Bishop of Kerry, is the person intended to take.

567. You rely upon Section 15 as a recognition by the Legislature of the existence of archbishops and bishops in Ireland?—Yes.

568. Is not that existence clearly confined to "officiating in any district, or having pastoral superintendence"?—No, because there is Section 6.

569. Does it recognise the existence of any territorial title?—No, but it prevents their forfeiting bequests by reason of their titles. The Act of 1829 had forbidden them to take titles, but this Act gets over the difficulty of recognising their titles.

570. Is there not a great difference between recognising a person as a Roman Catholic bishop, and recognising him as the bishop of a diocese?—As regards the supremacy, none; as regards the negation of the Protestant bishoprics, none; as regards any offence by a Roman Catholic bishop bearing the name, yes.

571. That is your view of the section?—Certainly.

572. As to the appointment of Roman Catholic chaplains, does the validity of the orders bestowed by a bishop upon a priest or deacon depend upon his having a territorial title as regards the particular district, or would a bishop *in partibus* be able to grant those orders?—By a bishop *in partibus*, do you mean a vicar apostolic?

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573. Yes?—The orders would be valid if granted by any bishop, wherever he dwelt, in the sense that they would be indelible; but unless the bishop had jurisdiction at the place where he dwelt, the orders would be irregular, and both bishop and priest would be liable to suspension. The orders would be valid, but they could not be put into use.

574. Would there be anything to prevent the exercise of spiritual functions by such a person?—The Church would not recognise him; it would be contrary to the discipline of the Church, and any person proceeding to exercise such functions would be irregular until the censures incurred by him had been removed, and he had permission for the exercise of his orders.

575. If this Act of 1851 were out of the case, would there still be an objection to the section of the Roman Catholic Relief Act as to the assumption of titles?—I know so little of the matter in Ireland, that I should be sorry to express an opinion; but if you ask me generally, I should say that if the Roman Catholic bishops of Ireland could use the titles by which they are alone known to the people of Ireland, without negativing any legal titles, it would be a great convenience to the people of Ireland.

576. Therefore there is an objection to the Act of 1851, and also to the 24th section of the Act of 1829?—I have only come to speak of the Act of 1851; but there is no doubt that there is an inconvenience in the Act of 1829.

577. What is the inconvenience in it?—I do not live in Ireland. You have had Mr. Justice O'Hagan before you, and no doubt he is more capable than I am of giving evidence upon that point.

578. But there is that feeling?—No doubt.

579. Mr. *McKenna.*] You have replied to Mr. Forster with regard to the existence of the Roman Catholic bishops in the United States of America; are you aware that American jurists state that that is no interference with the sovereign authority of the States?—I believe that there is not, so long as no legal effect is given to their position, and no legal effect can be given to their position except by the consent of the Civil Government.

580. Are you aware that the United States are particularly jealous of all interference by European States?—Just so. But the Monroe doctrine, I believe, does not apply to the Pope.

581. Mr. *Gregory.*] You stated that in Protestant Prussia the territorial jurisdiction of Roman Catholic bishops was acknowledged in consequence of a Concordat between Prussia and Rome?—The case of Prussia, with which I do not pretend to be intimately familiar, is a peculiar one. There is a part of the Prussian territory which is almost exclusively Roman Catholic, namely, the Rhine, and there is no doubt that there a Roman Catholic hierarchy exists, and is recognised to a certain extent, but it does not prevent occasional contention; and the honourable Member will doubtless recollect the great controversy which existed as to the Archbishop of Cologne; but there is an existing Roman Catholic body in that kingdom, and with regard to that Roman Catholic body, there is an understanding;

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standing; a Concordat, or a treaty, as I believe, between the King and the Pope.

582. Turning to another Protestant kingdom, namely, Holland, are you aware whether there is any interference on the part of the State in Holland to prevent a Roman Catholic bishop from taking a territorial title?—I cannot answer that question; I think that in Sweden there certainly is; Sweden perhaps is the most persecuting country in Europe, and there undoubtedly there would be that objection; but there the objection is to the Roman Catholic religion in general.

583. You are not acquainted with the state of things in Holland?—No; but I could easily ascertain it.

584. Mr. *Cavendish Bentinck.*] Are the Roman Catholic bishops in Prussia nominated by the Government?—I cannot speak accurately with regard to those things.

585. Mr. *Chichester Fortescue.*] Should you say that the use of the term "territorial title," as applied to ecclesiastical personages, has produced, and is producing an unfortunate confusion of mind?—I think that it is a misfortune that such a phrase should be used; because if the question is one of jurisdiction, which is really the great question, it must be a territorial jurisdiction; and whether or not that territorial jurisdiction is exercised in connection with a public and avowed use of the title, of a particular place, as a see, is a secondary question, as I have said throughout; but I think that as regards mixing up the idea of the use of a title derived from a place with the question of the jurisdiction which must be exercised, it is a misfortune, and tends to create a great deal of confusion in people's minds.

586. I suppose that territorial titles are either titles of honour in the social world, of which the Queen is the fountain, such as the "Marquis of Westminster," or titles involving certain powers conferred by law upon the personages so designated within certain districts, such as "The Archbishop of Canterbury," and "The Lord Lieutenant of Middlesex"?—Yes.

587. Is there any respect in which the title used by a Roman Catholic bishop in this country comes under one or other of those two descriptions?—Certainly not.

588. Mr. *M'Kenna.*] It is a mere geographical expression?—It is a mere geographical expression, it is not a title; and if you went to the Herald's College you would not find such a title recognised here.

589. Mr. *Chichester Fortescue.*] The description proposed by the law officers for the time being as one which might be properly used, is "officiating as a Bishop of the Church of Rome, and as the ecclesiastical superiors of the persons in communion with that church within the district:" from your own point of view, would you say that that is a proper description of a Roman Catholic bishop, adding to it, what I suppose is the fact, namely, a religious claim over all persons residing within that district?—Whether you take the jurisdiction to be over the persons living in a particular country, or over the country which contains those persons, you get, in principle, to the same thing, and it certainly struck me that that suggestion, which was not adopted by the Privy Council, illustrated the difficulty of the case, but did not solve it.

590. I take it that so far as the law of the land need concern itself, "the Bishop of Southwark" or "the Bishop of Clifton," in that sense, is nothing but the ecclesiastical superior of the Church of Rome within the district so called?—That is to say, that in theory he is the bishop over all baptized Christians, but in practice only over those who submit to his jurisdiction.

591. I mean by the law of the land?—By the law of the land he has no power over anybody.

592. Then all that remains is a strictly religious claim over all the inhabitants of that district?—That is to say that he presides over them by their consent, and so presiding over them administers their spiritual and ecclesiastic affairs by the rules of the church of which they profess themselves members.

593. As a matter of religion they concur with him in thinking that there should be no other bishop there?—Certainly.

594. If that claim is disobeyed, it creates the sin of schism ecclesiastically?—Certainly.

595. Do you think that the sin of schism is a matter with which the laws of England, in the 19th century, should deal?—I cannot imagine how we are to be considered to be in the free exercise of our religion, if those elementary points are to be discussed at this time of the present century.

596. It appears that the law as it is carried out is quite content with the existence of Roman Catholic bishops in England, and with their exercise of their own jurisdiction, provided they do not call themselves by certain titles, which raise certain ecclesiastical questions?—No; unluckily the Act of 1851 goes a great deal further than that.

597. I speak of the law not as it stands, but as it is practically exercised?—As it is practically exercised you can hardly say even that, for the proof of a bishop having assumed this title would be exceeding difficult to get; and I think that in one case in Ireland the law officers were consulted upon the matter. I think that that is stated in the course of the many speeches which were made in 1851, and that their view was that they could not take what appeared in the public prints, but that they must have some distinct and definite evidence. Therefore it would be exceedingly difficult to fix the bishop with the fact. I have pointed a way in which they could be fixed with it, as, for instance, where they come in contact with the civil power. Otherwise it comes to this; they are addressed by the people with whom they associate as "Bishop of Southwark," or "Archbishop of Westminster," and nobody can be punished for that (there was at one time an attempt to make it punishable); but there is a great inconvenience when you come to anything like legal instruments.

598. Taking the law as we have heard it interpreted to-day in this Committee, by the right honourable gentleman the Attorney General for Ireland, and others, it becomes simply a question of ecclesiastical title?—As to the question of what kind of title is meant by that, I have answered the right honourable and learned gentlemen, that it is not a title which, in my opinion, would bear the designation of a legal title, such a title as that with regard to which the Queen is supposed to be the fountain of honour. It is a title only in an ecclesiastical sense, and in that sense it is inseparable from the existence of a regular hierarchy.

599. Then those who agree with the view which

which has been put forward by several members of the Committee to-day are quite content that the Roman Catholic bishops should exercise all the functions which they do exercise, or can be supposed to exercise, provided they do not call themselves by certain titles; does not it, after all, resolve itself into a religious question, namely, whether there ought to be two bishops in the same district?—It seems to me, if you take my opinion as worth anything, that this is not a question of a legal title, but merely of a designation, and that it is more truly a question whether it is fit and proper that there should be two bishops, on the ground that, speaking ecclesiastically, they cannot both assume jurisdiction in the same place.

600. Then it comes to this, that at this time of day the penal law of this country is in a certain sense dealing with a question which is an issue between two religions, and is imposing a penalty upon one of two possible solutions of that question?—Apart from the supremacy of the Crown, that in my opinion is the form which it assumes.

601. Do you see any reason why the law should interfere in that matter any more than it interferes, say, with the operation of the Wesleyan body, by which the county is parcelled out into certain districts, and an official management is adopted?—Certainly not; and the only real difference which I can discover is this, that the power of the Pope is known and believed to be a great and effectual moral power throughout the whole world, and the power of the Wesleyan body is not so respected.

602. Do you think that the power of the Pope is at all diminished in this country by the prohibition of these titles?—No; and with regard to myself, the discussions which took place on the subject of the Act of 1851 were discussions which seemed to me so unreasonable, and so full of violence, that they had a very great influence upon my mind, then in doubt, in deciding me to become a Roman Catholic; and I was actually received in the month of April 1851, in the midst of those discussions.

603. Then, judging even by your own experience, if there were nothing else, you would say that the use of temporal penalties in these spiritual matters has in this case, as in others, proved but a failure?—It seems to me to involve this absurdity, that you concede or profess to concede liberty of religion, and then attempt to fetter an essential portion of that religion; for no one who knows anything of the Roman Catholic religion will doubt that to deny the acknowledgment of the power of the Pope in all matters spiritual as essential, is to deny the first principles which are involved in giving religious freedom to Roman Catholics.

604. You have said very truly that the differences of condition in the different Colonies of the Crown are so great, that it is not worth while to go much into the question as respects the Colonies; but is it not the case that in many parts of the dominions of the Crown Roman Catholic bishops are recognised, and existing side by side with the bishops of the Protestant Church?—Undoubtedly; I was asked particularly with regard to Canada, which does not stand on the footing of an ordinary Colony; but in Australia the two religions exist with their bishops, and I have not heard of any evils resulting therefrom.

605. You probably know that the descriptions of the rules of precedence applicable to those personages have been recognised by the authority of law?—I cannot speak upon that point, and I should be sorry to say anything of which I was not sure.

606. I wish to ask you a question or two, drawn from a description which I find given by the Attorney General of the day, in 1851. The Attorney General referred to the Catholic Relief Act, and the penalty imposed by it upon any Roman Catholic prelate assuming the title of any existing see, and he said that such penalties were to be extended to the assumption of all titles; having said that, he went on to say that it was thought desirable not to stop there, but to go still further?—I beg your pardon; you are now referring to the speech of the then Attorney General, the present Lord Romilly; that was upon the first Bill; it was not upon the Bill as afterwards amended; it does not apply to the Bill as it stands. The Bill, as originally printed, contained, as its first clause, a prohibition of taking the titles under a penalty; and, as its second and third clauses, a very large interference with the Roman Catholic episcopal jurisdiction; but the second and third clauses were afterwards withdrawn by the Government. They were then twitted with supporting a Bill which would be inoperative, and thereupon Mr. Walpole proposed Clause 1, which has had the same general effect in law as those Clauses 2 and 3, which were struck out or withdrawn, by the Government of the day, as being too strong.

607. Mr. *Brett.*] Where are those clauses?—I can show them to you. Clause 2 of the original Bill was: "Any deed or writing, signed or executed after the passing of this Act, by or under the authority of any person in or under any name, style, or title, which such person is by the recited Act, and this Act, or either of them, prohibited from assuming or using, shall be void." Then there is another clause, which is a very long one; the rubric is: "Endowments of pretended sees, &c., and gifts in favour of the persons designated by the pretended titles to inure to the use of Her Majesty." Those clauses were struck out, Sir George Grey having stated in the House that he thought that they were too stringent. The Government were then charged with seeking to carry an Act which went no further than one prohibitory clause. Clause 1 was then proposed by Mr. Walpole as applying to the brief of the 29th of September 1850, and was extended by Sir Frederick Thesiger to "all such briefs;" and the result was that what had been withdrawn was rendered effectual by the present Clause 1 of the Act; but it was with regard to the first clauses that the speech of the present Lord Romilly was made.

608. Mr. *Chichester Fortescue.*] The intention of the Government at the time when that speech was made was to make any action of the ecclesiastical authorities of the Roman Catholic Church upon the briefs referred to, so impossible as to induce the Roman Catholic body to retrace its steps?—It seems to have been thought (and I am not quite sure but that that idea prevailed with regard to Clause 1 of the Act, which has practically the operation of nullifying, as Clause 2 in the Bill was intended to do) that possibly the Roman Catholic body might be driven out of their position, and that a totally new arrangement might be made; that, for reasons which I need not dwell upon, was clearly impossible.

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609. The Attorney General said, "It was therefore thought desirable not to stop there, but to go still further, and endeavour to carry into effect the prohibition of the assumption of titles of that description, by making any act done by any persons holding sees of that description, and done in the character of such bishop or archbishop, absolutely null and void"?—Just so.

610. Am I to understand you to mean that under the law, as it passed, such acts are absolutely null and void, but that the penalties intended to be imposed by the Bill, as originally framed, have not been passed?—The penalties for the assumption of the title remain, I think, pretty much the same; but with regard to the forfeitures, and so on, which were provided in the cases of charitable trusts and bequests, the Act is not so strong as the Bill was when it was originally introduced. But when the Bill went to the House of Lords, it was treated by my Lord Aberdeen, whose speech upon the subject is worth anybody's reading who is inquiring into these matters, as having been restored to the strength of which it had been deprived; that is to say Sections 2 and 3 having been struck out, it had been deprived of the strength spoken of by the Attorney General; but Lord Aberdeen considered that that strength had been restored by the introduction of Mr. Walpole's clause.

611. Then, upon the whole, you say that the only reason why this Act has not produced great difficulty and great scandal in the relations between the Queen's Roman Catholic subjects and the law, has been that the Act has been treated as a dead letter?—Just so; and the feeling on the subject very soon underwent a revulsion. That was prophesied by those who spoke against the measure on more occasions than one, and, as you know, there have recently been declarations on the part of individuals who were engaged in passing the Act, expressing their complete change of view between that time and this.

612. Am I to understand, that as far as you can judge (and no doubt you can judge well) of the feeling of the Roman Catholic body in England, they would be quite satisfied to be put in the position, say, of the Wesleyan body, so far as the law is concerned?—All that we want is to be let alone.

613. Mr. *Brett.*] And to have this Act repealed?—Certainly; we simply want the repeal of the Act; that is what I have stated in my former evidence.

614. That is what you would wish, and nothing less than that would satisfy you?—Nothing less than that will satisfy me until I see what the other proposal is. But the Committee must bear this in mind, that if they begin to deal with the Roman Catholic bishops they assume a responsibility which I am not prepared to invite them to take. I mean that if you begin to say that the Roman Catholic bishops shall be called so and so, you begin to say that they shall have a status which they do not claim. The clean work is to repeal the Act, and to leave them to find their own position. With regard to the Irish bishops, I must not be supposed to omit the grievance which practically exists in Ireland, under the Act of 1829.

615. Mr. *Chichester Fortescue.*] Then you would say that the Roman Catholic Church might either be in the position of a more or less recognised Church under agreement with its head, as in Prussia, or in the position of a purely voluntary and unrecognised Church, such as the Nonconformist bodies of this country?—That is the condition which I think is safest for the state of the Church.

616. But the present position is neither one nor the other?—Just so; we are recognised only to be punished; we wish that honour which is done to us to be withdrawn.

617. Would it not be found necessary on many occasions, in legal and other documents, to describe a Roman Catholic bishop in England or in Ireland, and would not the necessity of some recognised designation be more felt in Ireland, where the Anglican and the Roman Catholic sees are very often identical?—I quite admit that; I think that the State, without recognising in any degree the status or position of the Roman Catholic bishops, might give conveniences such as those of a corporate character, or of a *quasi* corporate character, because I value a corporate character merely for the purpose of the transmission of property. There is an Act of which I have had occasion to avail myself in Scotland, which was passed in the first instance for the Free Church; and under that Act I have endeavoured to frame, and I think that I have framed, a trust deed which will give succession to a Roman Catholic trust. I must not be misunderstood as saying that I desire a corporation in the sense of giving a dignity or any position to Roman Catholics, but merely to avoid the inconvenience and expense which arise from the unnecessary multiplication of trust deeds. That, I think, might be given by the State without in the slightest degree acknowledging anything in the shape of position as belonging to Roman Catholic bishops.

618. Then you think that the law, without dealing with the question of the titles or the demands of rival bishops, might for the purposes of convenience provide a designation suitable to all parties?—I see no reason against it, except that the Stamp Office and the lawyers would lose by doing away with the multiplication of deeds.

619. What would be the corporate designation of Roman Catholic bishops which you would suggest?—I would not say that without consideration, but a *quasi* corporate character is admitted when you deal with the office, because in the trust deed as to Kemerton, the successor of the bishop is spoken of, and it implies a continuance; of course title to land must be provided for in a more specific manner. In Ireland that has been supplied by the Commissioners, and that gets over the inconvenience of the transmission of some portion of the trusts in Ireland.

620. In the Kemerton Trust Deed the description "of Clifton Roman Catholic Bishop" is within the law, while the description, "Roman Catholic Bishop of Clifton," is a violation of it?—I do not express the opinion that the description "of Clifton Roman Catholic Bishop" is within the law.

621. It is supposed to be within the law?—It is supposed to be within the law. This is not what the law officers of the Crown recommended; it begins with the words "Right Reverend," which is the title ordinarily given to a bishop, and then comes the name "Clifton"; but then the declaration that he is a bishop only comes after you have passed "Clifton," and after you have passed "Doctor in Divinity."

622. At all events you think that the law, without pronouncing upon any of these spiritual and

and ecclesiastical questions, might provide some reasonable and convenient designation for a Roman Catholic bishop in this country?—No doubt that might be done.

623. Mr. *Brett.*] Taking the first section of the Act and the preamble together, the documents referred to in the preamble are, first of all, only documents promulgated by the Pope himself, are they not?—That is to say, issuing from the Roman Chancery.

624. They are only documents which contain a territorial description, or a territorial title?—No doubt.

625. Therefore the first section of the Act would not prevent the existence of bishops in England, supposing that a Roman Catholic bishop could be made in England without a territorial title?—No; I take it that the preamble being confined to a reference to the creations of archbishoprics and bishoprics, with the territorial appendage of a see, or district, or territory, it would, of course, operate to restrain the clause which speaks of "such briefs," to the case of bishoprics so established; but, as I have said, all the bishoprics are so established.

626. Therefore, what I understand you to say is, that the fact being that there cannot be a bishop in England without a territorial title, the effect of that section is, that there cannot be a bishop in England?—There cannot be a bishop in England as the English Hierarchy is now constituted; and it was so constituted in the main, though not entirely, by that particular brief which is referred to, of the 29th of September 1850, and which is notorious; in fact it was suggested that that brief should be laid upon the table of the House, about which there was a difficulty, but it was said that it was notorious.

627. When you say that there cannot be a bishop in England, is it not rather that there cannot be a Bishop of England?—I mean that applying the law to the known state of the case, there can be no bishop in England.

628. Do you consider that of itself a grievance?—Distinctly.

629. Why; supposing that these bishops *in partibus* acting in England, would have exactly the same power as the bishop of a diocese in England, what would be the grievance?—But they have not the same power; Mr. Harting went very fully into that point.

630. Then you agree with Mr. Harting?—I do.

631. Do you think that the discipline of the Roman Catholic Church is undermined?—Whenever that discipline has to be recognised, and to come in contact with the civil power in any way, it is limited and rendered unsafe.

632. Could there be an indictment on the first section of the Act standing by itself; what is your opinion upon that point; who could be indicted under that first section?—Anybody exercising, in a way which could be proved, jurisdiction under any such brief; this is declaratory; it is a declaration of the law.

633. He says that a particular brief, and the jurisdiction conferred thereby shall be unlawful and void?—"Conferred, or pretended to be conferred thereby." Then any man who sets himself to exercise a jurisdiction which is declared unlawful and void, violates the law, and he is subject to an indictment for misdemeanour.

634. In any event would it go further than against the person attempting to confer the jurisdiction; is there anything in that section which goes against the person acting under the jurisdiction; I am asking you the question on the supposition that the second section does not exist?—Then I have no hesitation in saying that you might indict under it. Supposing that a bishop appointed anyone to whom he delegated a portion of his own jurisdiction, the authority of that person would be traced up to the bishop's authority, which being declared unlawful, the whole matter would be unlawful.

635. That difficulty would be done away with if you struck out the word "unlawful"?—It might be; an attempt was made, in 1851, to get rid of the word "unlawful," and to leave only the word "void": that, I think, was the second amendment proposed after the amendment of Lord Arundel and Surrey had been rejected, and that amendwas rejected by the House.

636. Then your opinion is founded upon the word "unlawful"?—Yes; and also upon the recital.

637. You have said that a bequest, as I understand it, made to a bishop by his territorial title would in your judgment be void; is that so?—If I remember rightly, what I said was that if he were described as the bishop of a certain place, by a territorial title, and with mention of his successors, implying that there was a right to the office, I believe that he would be unable to claim the bequest, because he would be unable to prove that he was that bishop without subjecting himself to penalties, and that without raising the question whether he would not of necessity fall under the first clause, which prohibits him from being a bishop.

638. Supposing that Clause 2 did not exist, would the bequest be void under Clause 1?—It is, as you know, unsafe to give opinions off hand.

639. If a bequest were made to him by his territorial name, and if he took advantage under it, would he come within the Act?—Unquestionably.

640. And that you consider a decided grievance?—Yes.

641. That is the real grievance of that part of the Act?—Yes; and it applies to every one who "publishes or puts in use," which is a most wide phrase. Section 2 is, "That if, after the passing of this Act, any person shall obtain, or cause to be procured from the Bishop or See of Rome, or shall publish or put in use within any part of the United Kingdom any such bull, brief, rescript, or letters apostolical, or any other instrument or writing, for the purpose of constituting such archbishops or bishops of such pretended provinces, sees or dioceses within the United Kingdom," he also falls under the penalty.

642. I think that you have also stated that you desire that there should be a *quasi* corporate capacity?—I withdraw the word "corporate" if it is supposed to be more than the power of transmitting property.

643. According to the law of England there cannot be a corporation without a corporate name?—It must have a corporate name.

644. And the only corporate name could be the name of the bishopric?—No doubt; but I do not mean to say that means could not be found of getting over such a difficulty as that.

645. It is got over now, is it not?—There is no power of transmitting property at present.

646. Is it not a thing which some skill in conveyancing can get over?—I do not mean to say that

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that if all the lawyers in Lincoln's Inn were to set to work, they might not by a variety of contrivances, evade a considerable portion of this Act, but there are some portions which no contrivances could evade.

647. If this Act were repealed, the same difficulty would exist as to the corporate succession?—No doubt.

648. The only way in which you could bring it within this Act would be, that in order to have a corporation you must have a corporate name, that is to say, the name of the diocese?—I did not state it as a grievance arising out of this Act; because, whether this Act had passed or not, we should have been without that power.

649. Mr. *Cavendish Bentinck.*] At the last sitting of the Committee Mr. Harting gave evidence relative to the difference of status between a vicar apostolic and a bishop in ordinary; and at Question 298 I asked him, "Is the assumption of a territorial title necessary to the existence of the bishops in ordinary?" To which he answered, "The canons of the Church prohibit the consecration of any bishop except to an ascertained diocese; he cannot be made a bishop without a see; he cannot be made a bishop for ornament, it is expressly prohibited." Since the witness gave his evidence, I have been advised by an eminent authority, that the Pope is quite at liberty to make a bishop of anybody he pleases; that is to say, that the Pope can consecrate a bishop without a see. Have you directed your attention to that subject?—I will not say what the Pope can or cannot do; but as a matter of ordinary practice the See of Rome, that is to say, the Pope, does not use that power, but always takes a see *in partibus* for his vicars apostolic.

650. Supposing that the Pope could do it, would it be possible for him to appoint a bishop, and so to limit his authority that he would exercise the powers of a bishop in ordinary and not of a vicar apostolic. I understand that the grievance now is, that the jurisdiction of a vicar apostolic is larger in character than that of a bishop in ordinary?—It is larger and looser.

651. And therefore it is a grievance to Roman Catholics that they should be governed by a vicar apostolic, rather than by a bishop in ordinary?—There are many other points.

652. That is one point?—Yes.

653. Would it not be quite competent for the Pope, as universal bishop of the Roman Catholic Church, if he thought fit, to consecrate a bishop in England with the powers of a bishop in ordinary, instead of those of a vicar apostolic, and without a territorial title?—I have never heard of such a case, and Mr. Harting seems to think that it is against the laws of the Church. I cannot tell you what the Pope could do; I know what he will not do.

654. Mr. *Chichester Fortescue.*] Can you conceive any good which he could do to the rest of the world if he appointed a bishop under those conditions, instead of under the other conditions?—Certainly not; and I do not think that any member of the Church of England would suggest that bishops of that kind could be well created.

655. Mr. *Cavendish Bentinck.*] I understand that what you desire is to have, in the transmission of property, the power of succession?—If you will excuse me, my evidence in regard to the Ecclesiastical Titles Act does not embrace that subject; but I have been asked in this room whether I think it desirable, and I do think it very desirable, and I would willingly give the same advantage to all religious communities who are exposed to the same inconvenience as ourselves.

656. Would it be satisfactory if instead of the words, "Roman Catholic bishop of," say "Liverpool," the words were, "Roman Catholic bishop at," or, "in Liverpool"?—That was discussed in the early stages of the Bill in 1851, and I think that the then Attorney General, the present Lord Romilly, declared that it was an evasion of the Act which would be reached by its powers; and it would be an evasion. And why should there be an evasion? You cannot destroy the existence of these bishops; they do nobody any harm, and if you are to have them, I think it far better to call them Roman Catholic bishops "of" a place, instead of "at" or "in," which would be merely an evasion.

657. It is of course within the power of the Pope to change the jurisdiction of a bishop?—As regards a change of the English hierarchy, such as you seem to point at, that is a view of the case which I cannot reconcile with my knowledge of the principles of a church which is governed by a regular system, a system which it has taken many centuries to form, and which is as regular in its character as the system of the civil law, or any other great system of jurisprudence which is acknowledged in the world.

Friday, 19*th July* 1867.

MEMBERS PRESENT:

Mr. Attorney General for Ireland.
Mr. Cavendish Bentinck.
Mr. Brett.
Mr. Henry Austin Bruce.
Lord Frederick Cavendish.
Mr. Chichester Fortescue.
Mr. Gregory.
Mr. Howes.
The Judge Advocate.
Mr. MacEvoy.
Mr. M'Kenna.
Mr. Paull.
Mr. Walpole.

EDWARD MACEVOY, ESQ., IN THE CHAIR.

The Right Rev. DAVID MORIARTY, D.D., called in; and Examined.

Right Rev. *D. Moriarty*, D.D.

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658. *Chairman.*] YOU are the Roman Catholic Bishop of Kerry?—Yes.

659. Will you kindly tell the Committee what the effect of the Ecclesiastical Titles Act has been in Ireland?—I beg to say that, in giving to the Committee my opinions as to the effects of the Ecclesiastical Titles Act, I do not speak on behalf of the other bishops of Ireland, nor have I consulted them on the matter; and, in the next place, any opinions which I may offer refer solely to Ireland; for the interests of the Church in this country may, for aught I know, require a different position and relation with the Government from that which we in Ireland should prefer. In giving my opinions as to the effects of the Ecclesiastical Titles Act, I may consider it first with reference to our own body, namely, the bishops of Ireland; and, secondly, with reference to the general good of the country. In the first place I find that it is enacted, by the Ecclesiastical Titles Act, that all jurisdiction, authority, pre-eminence, or title conferred by briefs or letters apostolical is unlawful and void.

660. Mr. *Walpole.*] Are you quite correct in your reading of that enactment; the enactment, I think is, as to all briefs, and jurisdiction and authority conferred by them, which are referred to in the preamble, that is to say, certain briefs and rescripts; it is not a general enactment?—I think that I was correct in my quotation, but that the preamble limits those letters apostolical to those which give title.

661. And does not the enacting clause refer to the preamble, and is it not limited by the word "such," in the first instance; and then, speaking of the jurisdiction and authority, is it not limited by using the words "conferred thereby"?—That is so. I need not tell the Committee that this enactment has been totally inoperative; we hold it to be unlawful and void. We never derived our jurisdiction from Parliament or from the Crown, and we believe that no power in the State can render the exercise of it either invalid or unlawful. As we know that episcopacy is of Divine institution, and that the authority by which we are appointed is also of Divine institution, we consider that the law of the land might as well undertake the repeal of one of the Ten Commandments. The second enactment of this law is, that any person obtaining, or using, or publishing a bull, brief, or rescript of the Pope constituting an archbishop or bishop of any see, commits an offence for which he may be fined. The Committee is, I am sure, aware that that enactment has been totally inoperative in Ireland. When any diocese wants a bishop, the clergy apply to the Pope for one, the brief appointing him is read, and published with great solemnity on the day of his consecration; and it is used by the bishop; for in virtue of it he takes possession of his see and governs the people entrusted to him. The third enactment of this law is, that any Catholic bishop or dean assuming the title of any place in the United Kingdom commits an offence for which he may be fined. Now, to estimate the effect of that enactment, I may divide the documents in which bishops assume their titles into three classes: first, there are purely canonical documents which, by usage, or what I may call the *stylus curiæ*, have a fixed canonical form, such as letters of ordination, letters of dispensation and license, and institution or collation, or the like. I am convinced that no bishop is ever restrained by the law from the use of his title in such documents as these. The use of the title, as part of the proper canonical form, is necessary for the authentication of the document. For instance, within the last few weeks, I ordained 25 priests for the foreign missions who were going to different parts of the world. I gave to them letters of ordination, in which I styled myself "David Episcopus Kerriensis; and if I did not do so, a priest going to South America, or to North America, or to Australia, and presenting an informal document to the bishop to whom he was going, might be sent about his business. I brought with me, but I did not bring down to the House, several printed forms of such documents, in which I assume my title, not only in the body of the document, but in my seal. I would place in the second class of documents pastoral letters, and all public addresses which we usually publish in newspapers or in pamphlet form. I observe that our usage is not uniform in that respect. Several bishops in Ireland do not assume their titles. I suppose that they think they preserve their independence better by not leaving themselves in the power of the law or at the mercy of the law officers. But my practice ever since I became a bishop has been to use my title in all such documents, and I do so because I think that it is a right and proper thing to resist authority,

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authority, whether spiritual or temporal, when it goes beyond its just limits. All our ordinary correspondence would form a third class of documents; and in these, as far I know, we do not use our titles. I fancy that it would be looked upon as affectation if we signed our ordinary letters with the titles of our sees. I believe that it follows from the Ecclesiastical Titles Act, and from the Act of Emancipation, that bequests made to Catholic bishops with mention of their title are null and void. There is nothing about this matter in the Ecclesiastical Titles Act itself; but as no such person as the Bishop of Kerry is acknowledged by the law, a bequest or devise made to me with such a title would not be held valid. This enactment is usually evaded by styling me the bishop exercising jurisdiction in the Catholic Church within the diocese of Kerry; and whenever an attorney drawing up a document knows of the provision of the statute, he takes care so to word the document, and thus to avoid the inconvenience which might result. I have not heard of many cases in which the intentions of charitable persons failed in consequence of the law, but I have heard of one case; and it is obvious that such cases might very naturally occur, inasmuch as many persons unacquainted with this Act of Parliament might undertake to write their own wills, or to draw out documents making a grant to a bishop. It is manifest that if this statute could be enforced, especially in its first and second enactments, it would amount to a proscription of the Catholic Church in Ireland, such as has been there established from the beginning; for it would prevent communion between the head and the members, and it would do exactly for us what we are told the Emperor of Russia does for the Catholics of Poland. But then we must always remember that no prosecution can be commenced under the Act unless with the sanction of the Attorney General; and I believe that, generally speaking, none but prudent men are appointed to that office, and as they all intend to become judges, they generally contrive, even if otherwise disposed, to keep themselves quiet in these matters. I will go further, and say that this statute has been, in the peculiar circumstances of our country, very useful to the Catholic hierarchy. The Committee is no doubt aware that an intense and wide-spread disaffection towards the British Government prevails throughout the whole mass of that population which we call the "lower order." Now, it is upon that lower order that we depend, not only for our personal support but for the building and support of all our churches and religious institutions. Any measure, then, which places us in antagonism with the Government, or which manifests the antipathy of the Government to us, is calculated to increase our influence and the generosity of our people. I am convinced that the Ecclesiastical Titles Act has had this effect, and to a considerable extent. At the time of the passing of the Act the agitation was very violent; the bishops were the sole objects of attack, and this made the people rally round them, increased their power and gave them a position, and a prominence which they never had before. The influence of the bishops has been exhibited in their having emptied the model schools in consequence of their danger to the faith of the people. And I am convinced that, were it not for the opposition of the bishops, who pointed out the dangers involved in the system, the Queen's Colleges would now number their students by thousands. Besides this, the ardour and goodwill of the people in the creation and development of Catholic institutions of all kinds have been most conspicuous since the passing of this statute. Persecution by a Government which the people consider hostile is always useful; and where there is not actual persecution, the appearance of it or the threatening of it, which is much pleasanter, serves the same purpose. This statute has also tended to increase our influence and the confidence of the people, by stopping all official intercourse between the bishops and the Government of the country. Before this statute was passed several bishops used to attend the receptions and levees at Dublin Castle; and having to a certain extent accepted the Emancipation Act on account of the large concession which it gave, it was in their minds a right and religious thing to do, namely, to exhibit that respect which we all owe to the authority which God has placed over us in the temporal order. But now this statute, by ostentatiously denying our rank, by slamming the door in our face, has dispensed us from the exhibition of all these courtesies, and has rendered it even unbecoming in us to pay them. This is a protection to us, for the people are inclined to suspect treason when they see one of their own hanging about the enemy's camp, and especially about his head quarters. As to the financial part of the Act, it may be said that it has had one advantage, namely, that it prevents the ambiguity which might arise if a Catholic left a bequest to his bishop, his bishop having the same title as the Protestant bishop; and I think that some cases have occurred in Ireland where bequests manifestly intended, say for the Archbishop of Dublin, were taken up and administered by the Protestant Archbishop of Dublin; in so far there is a certain advantage. The Act was evidently intended as an injury and an insult; but so far from doing us any great harm, it has done us some good, and, like many other insults, it has greatly increased our dignity and position. There is considerable difference in value between position acknowledged by a nation and position acknowledged by a Government. In fact, this statute might much more properly have been entitled an Act to revive for the Irish bishops the use of the styles and titles which to a great extent had previously fallen into disuse, for since the passing of that Act we are overdosed with titles. Besides this, as I am sure that Providence guides all things for the good of the Church, we do not know from what evils that Act has saved us. There is one evil from which I strongly suspect we have been protected. I think that if it were not for that Act we should probably have diplomatic relations with Rome, and I for one should consider that a very great misfortune. From what I have said, the Committee may infer that if I were to consider this statute solely with reference to our interests as a religious corporation, I should not much care for its repeal; but looking to the general good of the country I must come to a very different conclusion. It is well known that at the present time there are millions of Irish people who acknowledge no obligation of allegiance or obedience to the British Government. They reconcile this doctrine with their conscience, and their creed

creed, sometimes by referring to the opinions of great lawyers, who have stated that the Act of Union should ever be a nullity, sometimes by believing on the authority of their agitators and their newspapers, that the British Government has forfeited its right to obedience by its misrule; and also by referring to the doctrine which has been of late years so much extolled both in the press and in the Parliament of England, that all distinct nationalities have a right to choose their own form of government. But in whatever way the opinion has gained acceptance, I look upon it as a most deplorable error, and one which is calculated to sap the very foundations of society and to demoralise a nation. Now, I hold that in such circumstances, it is a bad thing that we, who are the accepted teachers of the Irish people, and the guardians of public morality, should be placed under a necessity of disobeying what appears to be at least the law of the land. When we tell the people that the Government exceeds its powers in spiritual matters, of which we are the competent judges; they tell us that the Government exceeds its powers in temporal matters, of which they pretend to be the judges, and that they have as good a right to disobey as we have. That disaffection causes, as is well known, a great separation and estrangement between the upper and lower classes of society in Ireland. The upper classes join the Government, and I may say that the Catholic nobility and gentry, and all Catholics belonging to the better classes of society are, I think, quite as attached, if not more attached, to British connection, than even the Protestant gentry of the country. There is only one body in the country, and that is the Catholic hierarchy and clergy, who could bridge over the deep and sharp chasm which divides the upper and lower classes in Ireland. By the Ecclesiastical Titles Act, the hierarchy and clergy have been forced from their position of neutrality, and from their proper office as peacemakers, and have been driven into a position of antagonism to the governing class; I do not of course mean to say that the Ecclesiastical Titles Act is the only cause of this state of things, or that its repeal would be an adequate remedy; but it really was a most irritating cause. We were rapidly progressing in liberality, and kindly feeling, and mutual confidence. This Act came as a sudden stop or check, it was an unprovoked insult; it was a retrograde movement, and in so far it was re-enacting the Penal Code in its bigotry, without its brutality; and I may say that it had a worse effect, inasmuch as it came from the Liberal party, whom we always supported and trusted. It made us say that, in our dealings with the Government of the country, *nusquam tuta fides*. I say that the repeal of this Act would not be an adequate remedy, for it is quite clear that as long as there is a single trace of exceptional legislation, based on difference of religion, there can never be peace or loyalty or goodwill in Ireland; there can never be a cordial union between Ireland and England. The Catholic people are now emancipated. Notwithstanding these restrictions, I believe that our Church is the freest and the most independent in the world; I would myself prefer doing the work of a bishop under the British Government rather than in any other land in the world; besides being emancipated, our people are educated. Now, an emancipated and an educated people will not submit to inferiority; it is an absurdity that I, who am the acknowledged bishop of 223,600 souls, should be prohibited from calling myself the bishop of my diocese, in order to appropriate the title exclusively to a bishop who has only 7,000 Protestants of all denominations within the same territory. I say more, that it is absurd that the bishop of 7,000 persons or less should be competent to sit in your legislature while the bishop of 223,600 is deprived even of the name and semblance of social rank. I am not ambitious of a seat in the legislature, but I insist that we should be both either admitted or excluded together, and if only one is to be admitted, I say that I have the best right to be there. Now, while this inequality lasts there will be strife, and hatred, and national antipathy, and England and Ireland can never become one united empire. The repeal of the Ecclesiastical Titles Act would be a very small instalment of justice, but it would be a step in the right direction; it would be a graceful and prudent beginning, and it would convince many of what I am myself firmly persuaded, that the English people sincerely, and earnestly, and honestly desire to see Ireland governed with justice and kindness, and without distinction of class or creed. In order to be better understood, I will say that, I do not want or wish for any positive legal recognition of our titles; for we do not derive them, or any spiritual power from the legislature or the Government. The Government can neither give them nor take them away; I wish merely that the prohibition should be removed, and that we should be let alone, and I wish this for the sake of the highest moral interests of society, which depend upon the establishment and maintenance of right relations between the people and those whom God has placed over them. Before concluding these remarks, I would wish to express with the leave of the Committee, a conjecture which seems to me to offer some explanation of the strange anomaly presented by the passing of this Statute, and the agitation which accompanied it. It seems to me that "title" is an equivocal word. It may mean a designation having from the law, or from the Crown a definite heraldic value, giving rank and precedence; or a title may merely designate an office or jurisdiction, and the place within which such office or jurisdiction is exercised. I think it very probable that the English people understood "titles" in the first sense; and in that sense we certainly do not assume them. The Queen is the only fountain of honour within her realm, and the Pope can no more give me a title conferring rank or precedence in the temporal order than he can give me an estate in this kingdom, or a seat in Parliament; and when I say that I am Bishop of Kerry, I mean that I hold the office of a bishop, and exercise its functions within a territory or in a See, which is its head quarters. My proper title is "Bishop of Ardfert;" it is by usage that I have been called "Bishop of Kerry." I consider that I no more assume a title when I call myself "Bishop of Kerry," than I do when I call myself parish priest of Killarney, which I also am; and I consider that the county treasurer, or the county surveyor of Kerry, has a title in the very same sense in which I have. If things were understood in that way, I should think that it never could be imagined that there was any interference with the prerogative of the Crown in assuming titles. These are the observations which I have to make.

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662. From your last observation I gather from you that you think that it would be no interference with your episcopal functions if you were simply called a bishop appointed by the See of Rome to exercise jurisdiction, or to exercise your episcopal functions within a particular district, and that assuming that to be done, and that no particular title was taken, there would be nothing to interfere with the exercise of those functions; am I right in that conclusion?—You are right in that conclusion, if I rightly understand the question.

663. You have given us some very interesting evidence; a part of it is within the terms of our reference, and a part of it is a little beyond it. I do not complain of that; it gives us a great deal of information as to the views of the Roman Catholic bishops and clergy, and I suppose of the people in Ireland; but I wish to confine my questions to those points which I believe are strictly within the terms of the reference. I think that you began your evidence by stating that there were three classes of documents with reference to which there had been a different treatment since the Act of 1851?—Yes.

664. The first class of documents were those which I think you described as purely canonical, such as letters of ordination, dispensation, and institution, and other documents of a similar description?—Yes.

665. With regard to those, am I right in saying that those documents have been signed by the different Roman Catholic prelates with the title of the see?—I expressed my opinion that all our bishops do as I do myself. I have seen such documents frequently.

666. With regard to those documents so signed, am I right in supposing that no prosecution has been instituted against any bishop under the Ecclesiastical Titles Act?—I never heard of a prosecution.

667. In that respect you would, I suppose, consider that the law had not been strictly complied with; but no prosecution has followed upon the non-compliance with such law?—The law has been clearly violated in every case, and there has been no prosecution.

668. By leaving the matter in the hands of the Attorney General (for no informer can institute prosecutions of this kind under the Act) no practical grievance has arisen in Ireland, so far as you are aware, upon that point?—No.

669. The second class of documents to which you referred were pastoral letters and public addresses?—Yes.

670. With reference to those documents, did you not remark that they were sometimes signed by the prelates of the Roman Catholic Church, with the titles of their sees, and sometimes not?—Just so.

671. With regard to those documents, has any practical grievance arisen from any prosecution under the Act?—I never heard of any prosecution.

672. With regard to the third class of documents, you said that it was the ordinary correspondence carried on between the Roman Catholic prelates and their clergy, or anybody else?—Yes.

673. Did I rightly understand you to say, that in that ordinary correspondence the titles were not very much made use of?—I think that that is the usage of the bishops generally.

674. Then that is the state of the case with regard to all these three classes of documents?—Yes.

675. Namely, that with regard to two of them, there has been what you have yourself called a violation of the Act, but no prosecution; and with regard to the third class of documents, there has been, ordinarily speaking, no violation of the Act, and, consequently, no practical grievance has been felt as regards the one or the other?—Just so.

676. To go to the next point of your evidence, namely, the bequests which are made to the Roman Catholic prelates; you remarked, I think, that you had not heard of many cases where such bequests had failed, but I think you added, "I have heard of one case"?—I have heard of one case, and it is the only one which I can now call to memory.

677. Will you have the goodness to inform the Committee of the nature of that bequest?—It was a bequest made to the parish priest of a certain parish in Ireland; the bishop happened to be the parish priest of that parish, and in giving a receipt to the Commissioners of Bequests, he signed his name giving the title of his see, and I understand that the secretary refused to accept such a receipt. I cannot now say with certainty, but I believe that, in order that the charity might come to the poor, the bishop waived his title and signed the document in such a way as to enable the charity to be paid.

678. That was a case in which, in the first instance, the receipt was objected to by a public official authority, because he conceived it to be contrary to the Ecclesiastical Titles Act?—Yes.

679. That receipt having been so refused, another receipt was afterwards given which enabled the bishop, being the rector of the parish, to take that bequest?—I think that that was the result.

680. Then in that case also the practical operation of the Act did not defeat the charitable bequest from coming to those who were intended to be benefited by it?—So I conceive.

681. Is there any instance in Ireland, so far as you are aware, where a charitable bequest has failed because it has been made contrary to the provisions of the Ecclesiastical Titles Act?—I cannot remember one.

682. You mentioned another class of cases, namely, bequests made for the benefit of Roman Catholic bishops, or the Roman Catholic Church; and I think that you mentioned that a bequest was given to the Archbishop of Dublin, and that the Protestant Archbishop took up the bequest, and gave effect to it by holding it in trust for the Roman Catholic Church; am I right in that statement?—I cannot state particulars; but I remember hearing that a large bequest was made (it is a long time ago) to the Archbishop of Dublin; it was made by a Catholic, and was manifestly intended for Catholic charities. Yet it was decided that as the Archbishop of Dublin was, let us say, Dr. Whately, he was the person who should administer the charity.

683. Was that before or since the passing of the Ecclesiastical Titles Act?—I think that most probably it was before the passing of the Ecclesiastical Titles Act; but it is so long a time since that I cannot distinctly remember.

684. Then two things arise out of that case; first of all, that the bequest was not invalidated under the Ecclesiastical Titles Act; and secondly, that effect was given to it by the Protestant Archbishop of Dublin?—Yes, but I cannot

say

say that the Protestant Archbishop of Dublin applied the charity for the benefit of those for whom it was intended; for if a bequest was made generally to the Roman Catholic Archbishop of Dublin, leaving him full discretionary power to use it, he naturally would make another use of it from that which was probably made by the Protestant Archbishop.

685. Would not that case show the inconvenience, with regard to these charitable bequests, of having two prelates taking their titles from the same place or see?—I pointed out in the evidence which I gave, that amongst the other advantages of the Ecclesiastical Titles Act, one was that it prevented ambiguity.

686. Under the head of "Charitable Bequests," am I to understand from your evidence, that in the practical working of the Ecclesiastical Titles Act, no practical grievance, so far as you are aware, has arisen?—None, so far as I am aware; but I stated to the Committee that I thought that there was always a liability to such grievance, inasmuch as many wills were drawn by unprofessional persons who were unacquainted with the statute. I have very often observed that in the drawing of these documents, I have myself been obliged to give directions to attorneys to describe me in a particular manner.

687. The probability is, I suppose, that where attorneys are consulted, they will always take care to word the will in such a manner as not to violate the Act?—Yes, when they are acquainted with the statute. The cases which occur are those where leases are made to me for national schools and for chapel ground. I do not remember a single case of a charitable bequest with which I had any dealing; but every day it occurs that leases are made to me by the gentry of the country, for national schools and for churches, and I must warn the person who draws the lease, that he is to describe me in such a manner, or that otherwise the lease may be null and void.

688. In all those cases, would there be any difficulty in a professional man advising that, if a lease is made to a Roman Catholic person, it should be made to such a person exercising jurisdiction, or officiating in a certain place?—I apprehend that that is required to legalise the lease or bequest. The proper plan would be to make me a corporation sole, so as to enable me to hold for myself and successors.

689. But, as I understand you, there is no legal difficulty in giving effect to any such lease by a proper description?—I suppose not, but I am not a lawyer. Of course this does not touch the other question as to the means given us for holding property in the country.

690. Though no practical difficulty has arisen in making such bequests, or in granting leases, to a Roman Catholic prelate officiating or exercising jurisdiction within a particular ambit, yet you state that there have been, or that there may be, difficulties in preserving in succession, without a repetition of deeds, the trusts which are intended to be conferred upon your body?—Yes; I consider that there is difficulty in that respect, for the only way in which we can hold property for our successors is by some deed of trust. These trusts should be renewed on the demise of the different trustees. It very frequently happens that no one looks after the matter, no one knows who the trustees were, and it is found some day that there is no trustee at all. I am told that a court of equity would still give effect to such a lease or document, but that it would not be valid in law unless the trusteeship was renewed. It is plain that there is a very great difficulty in renewing such trusteeship; and if practical inconvenience has not resulted, we must thank the good dispositions of the gentry with whom we have to deal. If they give us ground for a school or for a chapel, they generally will not ask to take it back again; I have only known a very few cases in which a nobleman has ejected chapel ground.

691. Is that inconvenience an inconvenience arising under the Ecclesiastical Titles Act, or is it not an inconvenience arising from circumstances independent of that Act?—It arises from the fact that we are not acknowledged as corporations sole, as the Protestant bishops and the Protestant clergy are. Whether the Act changed our position in this respect I do not know.

692. But is there anything in the Ecclesiastical Tithes Act which affects the question of your becoming a corporation sole, or not?—Perhaps the Attorney General for Ireland can answer that question better than I can.

693. Other persons have thought (and Mr. Justice O'Hagan appeared to be of that opinion in the evidence which he gave to us) that that is not a question which is really affected by the Ecclesiastical Titles Act; your observations with reference to this particular inconvenience are observations which would point to an alteration in the law, in a certain respect, and not simply to a repeal of the Ecclesiastical Titles Act?—Perhaps so.

694. Then if an alteration should be made in the law, so as to avoid the inconvenience of a constant repetition of trust deeds when the trustees die out, and so as to enable the trust to continue, that particular inconvenience would be met by such an alteration in the law?—I conceive that it would.

695. I think that you then went on to make a remark that the Ecclesiastical Titles Act, if it were enforced, would prevent communion between the heads of the Church and the members of the Church; will you have the goodness to explain to the Committee how the Ecclesiastical Titles Act has affected that communion?—The Ecclesiastical Titles Act prohibits the appointment of bishops such as are now established in Ireland, and the enforcement of such an Act would certainly prohibit communion between the head and the members in the most important point in which that communion takes place, namely, in the institution of our bishops.

696. The institution of your bishops with territorial titles?—Yes.

697. It would not go beyond that, would it?—I suppose that that is the meaning of the Act.

698. Speaking of the communion between the heads of the Church and the members of the Church, that Act would not prevent the due appointment of bishops with episcopal titles, who could keep up the communion between themselves and the members of their Church?—It would prevent communion between the head and the members, as the Church is now established in Ireland.

699. Mr. *Bruce*.] The head being the Pope?—Yes.

700. Mr. *Walpole*.] As an abstract question, it would not prevent the communion between the heads of the Church and the members of the Church?—The Pope could establish or carry on the

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the government of the Church under other circumstances; for this old Church of ours would weather any sea or any storm; and there is no possible state or circumstances which you can imagine which we shall not be able to ride through.

701. Am I right in supposing that you would qualify that answer to this extent, that the Act, if enforced, would prevent communion between the heads of the Church and the members of the Church, as that Church is constituted now?—Just so.

702. But, as an abstract question, it would not prevent communion between the heads of the Church and the members of the Church, if the Pope chose to appoint bishops without territorial titles?—As a bishop cannot be appointed without a territory it is hard to conceive him without some title.

703. You observed to the Committee that there were some respects in which you thought that this Act, instead of being injurious to the Church, was, in one point of view at any rate, beneficial to the Church?—Yes.

704. Among other things, I think you observed that it increased the bishops' influence, and increased the generosity of the people?—I consider that it has done so.

705. Then you cannot find fault with the Act upon that score?—I have stated that, as far as our interests as a religious corporation are concerned, I think that the Act has been very advantageous to us.

706. But you went on to observe (which certainly would be detrimental to the good government of the country) that it prevented the intercourse which went on between the heads of the Roman Catholic Church and the Government of Ireland; that a difference of relationship between them had arisen since the passing of the Act, as compared with that which had existed before the passing of the Act?—Yes.

707. Can you explain to the Committee in what way, and to what extent, that alteration in the relationship between the heads of your Church and the Government, in dealing with matters in which both may be mutually interested, has been effected?—I know that before the passing of the Ecclesiastical Titles Act several bishops, as I have stated before, were in the habit of attending the receptions by the Lord Lieutenant; and I know that on many occasions bishops were consulted by the Government of the country, and that they freely gave their advice, and offered their advice, to the Government of the country. Since the passing of the Ecclesiastical Titles Act, the bishops think that it is their duty, or that it is becoming their station, to keep themselves altogether apart from any official connection or communication with the Government of the country.

708. Do they do that in the National Education schools?—Yes; the bishops have retired altogether from the Board of National Education.

709. Was there anything in the Act which required them to do so?—No; but amongst the Commissioners of National Education you had the Archbishop of Dublin, you had the Catholic Dean of Dublin, and you had, I think, two or three other Roman Catholic bishops sitting on the Board of National Education; they have all retired, and no bishop at the present day would accept a seat on that Board.

710. Did not they continue to sit on the Board for a long time after the passing of the Ecclesiastical Titles Act?—Some of them did; Archbishop Murray and Dean Myler continued to sit on that Board till their death; but I know that, subsequently to that time, it was understood and agreed upon by the bishops and the clergy, that they should have no connection with that Board.

711. Without questioning the propriety of Roman Catholic prelates declining to take a part at that Board, would not the fair inference from the facts now stated be, that it was not because of the Ecclesiastical Titles Act, but was because of something irrespective of that Act?—I consider that the Ecclesiastical Titles Act has been the cause of that alienation of feeling and that social separation which is now so manifest between the hierarchy of Ireland and the Government of Ireland, and that it has chiefly led to those differences which have subsequently occurred, and which perhaps might have been reconciled if there had been a friendly intercourse between them.

712. In addition to those supposed inconveniences which have arisen from the want of communication between the heads of the Church and those in civil authority in the Government, presumed to arise from the passing of the Ecclesiastical Titles Act, I think that you also went on to remark, that it had a still larger effect upon the loyalty and the dispositions of the people; is that so?—What I stated was, that, the people being disaffected as they are, it gave advantages to us; but I think that I also stated (and I can state it again) that the people very much resented the Ecclesiastical Titles Act as an insult to their religion.

713. Did you not give us three reasons why that unfortunate state of things exists in Ireland?—I do not think that I entered into the reasons of the disaffection which exists in Ireland.

714. Did you not state, as three of the reasons which had led to that unfortunate state of discontent in Ireland among the people, that, first of all, eminent lawyers had given their opinion that the Union was not binding upon them; that, secondly, injustice was perpetually perpetrated towards them, inasmuch as they were not treated upon an equality with others; and that, thirdly, the notion which prevailed with reference to other countries, and which was advocated in Parliament, of nations having certain national rights, had led in a great measure to that discontent and disaffection?—I beg pardon. I stated that the Irish people reconciled to their conscience and their creed their renunciation of their allegiance, by alleging such reasons as these; but that does not suppose that these are the reasons which have produced the disaffection, by any means.

715. But they allege such reasons as those?—No; they allege such reasons to justify the spirit of rebellion; but the spirit of rebellion is altogether produced by other causes; whatever they are, I do not pretend to enter into them.

716. But if they allege those reasons as the reasons for their discontent?—They do not; they allege those reasons as the grounds for reconciling their disaffection with what their religion teaches them.

717. Mr. *Bruce*.] Their disaffection arising from other causes?—Yes; seditious newspapers, for instance, are an exciting cause of disaffection; religious inequality and high rents are efficient causes.

718. Mr.

718. Mr. *Walpole.*] Then am I right in this that such disaffection and discontent in the minds of the people does not arise from anything upon which you can place your finger in the Ecclesiastical Titles Act?—I consider that it arises to a very great extent from that unnecessary and that exceptional legislation of which the Ecclesiastical Titles Act was one of the most signal examples; of that I feel quite certain.

719. Do the people of Ireland regard that particular Act in that light?—The Act has been to a great extent forgotten by the generality of the people of Ireland; but the spirit which that Act first engendered survives, and it has contributed to the general effect of discontent with a Government which legislates favourably for a minority, and unfavourably for the great majority of the people.

720. Can you mention any exceptional legislation of recent years which has legislated for the minority, and not for the majority, setting aside the Ecclesiastical Titles Act?—I have stated that we were going on most happily and favourably in the progress of liberality, and that this Act came as a check, and that although it is a small thing in itself, it acted as an irritating cause.

721. Can you put your finger upon any other exceptional legislation besides that, which has led to the irritation which you have stated to exist in Ireland?—No; I think that the exceptional legislation is a relic of the past, and that this Act, and the restrictive clauses of the Emancipation Act, are the only enactments which revived the spirit of the old penal code, and I consider that in consequence it had a most mischievous effect, for it went back to a past legislation, which people supposed had been altogether forgotten, and which they never expected to see revived.

722. Even if you repealed that Act, was it not your observation, that it would not be what you would consider an adequate remedy for the disaffection and discontent in Ireland, which arises from other causes? — No sentence will give complete sense until it is finished, and in commencing the work of justice and impartial legislation this would only be the first word of the sentence.

723. I think you mentioned incidentally that since the passing of the Act you had been overdosed with titles; what did that phrase exactly refer to?—I see that in all the notices of our movements, or anything which we do, we are constantly styled as "the Lord Bishop of Kerry," and "the Lord Bishop of Limerick," and in addresses to us the titles are so frequently and ostentatiously used, that I look upon it as a dosing *usque ad nauseam.*

724. You think that they take a pleasure in giving the title?—Yes.

725. But that is not your assuming it?—No.

726. With reference to the communication between the Roman Catholic prelates and the Government something was said by Mr. Justice O'Hagan as to the reception of the Roman Catholic prelates at the courts and levees in Dublin. You mentioned, as well as Mr. Justice O'Hagan, that the Roman Catholic prelates had been received before the passing of the Act, but that they had not been received, or that at any rate Roman Catholic prelates had stayed away, since the passing of the Act. Do you know under what terms they had been received before?—No; I was not a bishop at the time when the Ecclesiastical Titles Act was passed.

727. Take the case of a presentation; how were they presented?—I believe that I can state the fact that they were presented in their order of precedence; that is, in the order of precedence which is given to the Protestant bishops of the country. The Roman Catholic archbishops were presented before the dukes, and the Roman Catholic bishops before the barons, but they were not presented with the mention of their titles, except in one instance which I remember; and then I believe there was a notification in the Gazette afterwards that a mistake had been committed.

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728. They were presented as Roman Catholic bishops?—They were presented as bishops; the designation was "Archbishop Murray," or "Bishop so and so."

729. They were presented as archbishops and bishops, without giving the territorial title?—Yes, excepting in one instance which I think occurred.

730. Is there anything in the Act, or in the practice under the Act, which would prevent the Roman Catholic prelates, if they were so minded, from being presented in the same way now as they were before; so that there should be that communication going on which is so desirable between the Government and the heads of the Roman Catholic Church?—I feel quite sure that the Government would be exceedingly glad to see the Catholic archbishops and bishops going as they did before, and to see them presented as they were before; but I consider that an archbishop or bishop who would go under the present circumstances would be so mean that he ought to be kicked out.

731. Then the fault is not in the legal operation of the Act, but in the sentiment or feeling which exists in the minds of the Roman Catholic prelates consequent upon the Act?—I think so.

732. Mr. *Gregory.*] Upon the subject of precedence, are you aware that at the Queen's levee, in the year 1849, there was a notice in the "Dublin Gazette" in August of that year, emanating from the Lord Chamberlain's office, directing that the persons therein named should have the *entrée*, and that before the Duke of Leinster, and immediately after the Primate, the Chancellor and the Archbishop of Dublin, there were named the Roman Catholic Primate and the Roman Catholic Archbishop of Dublin, by that name?—That was the case to which I referred in my answer to the previous question.

733. Mr. *Walpole.*] That was the exceptional case?—Yes.

734. Mr. *Gregory.*] Are you aware that that order has never been revoked, and that the precedence stands still as fixed by Her Majesty's Lord Chamberlain?—I was under the impression that an explanation or apology had been made by some officer of the Court for the use of the title, but not for the precedence given.

735. Are you also aware that when Her Majesty landed at Cork in 1849 she received an address from the Roman Catholic bishop and clergy of Cork, and that it was described in the Supplement to the Gazette of the 7th of August, printed on the 8th?—I am not aware of the fact.

736. Mr. *Chichester Fortescue.*] I understand from your answer to Mr Walpole that, within your own knowledge, the Ecclesiastical Titles Act has produced very few, if any, practical inconveniences; does not that entirely arise from the fact, that the law has been allowed to remain a dead letter?—It arises from the fact that the law

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law is violated whenever we feel it our convenience to do so, and that no one punishes us for the violation of it. I think that those two circumstances sufficiently account for the absence of any practical inconvenience.

737. But, in the ordinary exercise of your episcopal functions, you constantly feel it to be your duty to perform acts which would render you liable to prosecutions, provided the Attorney General of the day were to give his sanction to those prosecutions?—I do. I do not fear prosecutions, for the reason which I have before stated, because I consider that any Attorney General who would institute such a prosecution would not gain the thanks of his Government; and also because I do not see what I could lose. The penalty is a fine of 100 *l.* Now, I defy any Attorney General who ever lived to find 100 *l.* in my possession; the only inconvenience to which I should be subjected would be that I should remove my books from my library, for they are the only property which I have worth 100 *l.*; and, as to confinement, if such a penalty were inflicted for non-payment of the fine, I should be very grateful to any one who would put me in prison for any number of months, as I should get a little time for rest and reading, which I can never enjoy in the discharge of my episcopal duties.

738. But you probably think that such a mode of escaping from the practical evils of this law, so far as you know, is one neither consistent with your dignity nor with the dignity of the Government?—I think that it is certainly not consistent with the dignity of the Government.

739. You drew just now a very just distinction, as I thought, between what are commonly called titles and those ecclesiastical titles with which this Act deals; and you went into the subject of titles of precedence; you also mentioned other titles which may be called titles conferring or implying a jurisdiction. Does not it appear to you that a very great confusion prevails upon that subject, and that people are apt to talk of your ecclesiastical titles as if you made, within the district which is ecclesiastically called your diocese, some claim or other not purely of a spiritual character; have you any idea, in calling yourself Bishop of Kerry, of making any claim whatever over any of the inhabitants of that district, other than one of a purely spiritual character?—Certainly not; I am quite convinced that, considering the good sense of English statesmen, they must have supposed that we assumed titles having a certain definite value in heraldry, and carrying with them temporal rank and precedence. Now this we do not do, nor do I envy the distinction which the Protestant bishop has in holding his title from the Crown, and being thereby constituted a baron, or whatever he may be of this empire, for I prefer to hold direct from the Lord, and to let Dr. Graves, who is bishop of my place, hold from the Lord Lieutenant.

740. I mean that the question, whether you are truly and properly Bishop of Kerry or not, is a question of a purely spiritual character?—It is a title simply designating a purely spiritual office, and a territory, or a see, in which that purely spiritual office is exercised; and I consider that in the sense in which the title is generally understood (as I stated before), when I call myself Bishop of Kerry, I no more assume a title than when a certain person says that he is the county treasurer of Kerry, or the county surveyor of Kerry.

741. And the question to be determined by an inhabitant of Kerry as to whether he shall follow you as his bishop, or shall follow the Anglican bishop as his bishop is a question of a purely religious nature to be determined *in foro conscientiæ*?—Certainly; he follows me if he is a Catholic, and he follows the Protestant bishop, if he is a Protestant.

742. This law, therefore, attempts penally to deal with questions which are purely of a religious character, arising *in foro conscientiæ*?—I consider so.

743. There, therefore, is not the slightest resemblance between your position and claims and the position and claims of any temporal officer, such, we will say, as the lord lieutenant of a county?—No; I have no compulsory jurisdiction. If I attempt to hold a court, in order to inquire into an offence committed by any clergyman or layman in my diocese, I cannot compel the attendance of any witness; I cannot even legally administer an oath, and I therefore do not, by virtue of my title or office, exercise any temporal authority whatever.

744. When you told the Committee that one effect of the passing of this Act, and of all the unfortunate agitation and irritation which it caused in Ireland, was to increase your dignity and power in the eyes of your flock, you meant, I presume, that that increase of power took place in a manner which you deplore, and in connection with feelings in the minds of the people which you look upon as most unfortunate?—I consider that it is most unfortunate.

745. You have no wish that your power over the people of Ireland should be increased by such means, surely, in consequence of such feelings?—I regret exceedingly that such feelings exist; but good comes out of evil; and it is one of the good effects of that evil that our authority is increased, not by the disaffection of the people, but by the antagonism which exists between the people and the Government.

746. But you desire, as I understand it, that your authority never should have been increased by such means as that?—I certainly do not wish the cause to exist.

747. The consequences, then, which you have described to the Committee as flowing from this Act are, so far as your knowledge goes, mainly matters of feeling; that is to say, effects produced upon the minds and feelings of the Irish people, and affecting the relation of the Catholic hierarchy with the Government of the country?—I consider that to be the case.

748. Would you be inclined to say that those are the most important grievances which can be produced by any legislative measure?—I consider that a universal spirit of disaffection on the part of a people towards their Government is one of the greatest moral evils which can exist in a country; and I believe that that evil exists, and is mainly attributable to exceptional legislation based upon religious differences.

749. And although the Act has, so far as you know, not produced legal inconveniences, you would say that the effects which you have described are far graver and more important than any mere legal embarrassments could be?—I consider that they are.

750. Mr. *Attorney-General for Ireland.*] Is there, in your opinion, a universal feeling of disaffection amongst the people of Ireland?—I said amongst the lower orders.

751. Do

751. Do you confine that observation to any particular locality?—No; it is my opinion that it exists universally throughout Ireland among the lower orders.

752. Among the agricultural population?—Yes.

753. What shape does that disaffection take in open show?—It does not exhibit itself much. You have had some slight exhibition of it in Fenianism, but we know what the feelings and belief of the people are, and we can state with the greatest possible certainty that if the Emperor of Russia, or the Emperor of China, or the Grand Turk, made a successful occupation of Ireland to-morrow, the great mass of the lower orders would joyfully transfer their allegiance to either of those worthies.

754. You think that?—I am certain of it.

755. And that is a general feeling throughout the country?—I am certain of it. I always speak of those who are not in good circumstances. I might except the upper-class farmer, who has a certain property, and some fixity; but even the upper-class farmer has, perhaps, five or six sons; only one of these expects to live in the country, to inherit his father's property, and the four or five junior sons hope to return some day from America with an invading army.

756. Has the Fenian movement been much joined in by the agricultural population?—No; I should, perhaps, qualify a little the expression which I used: I do not think that it is likely that the agricultural population of Ireland will ever actually engage in rebellion. The statement which I have made to-day I have made in other public documents.

757. You spoke of exceptional legislation, and you talked of this as a step backwards; with reference to exceptional legislation, what exceptional legislation which is still in force do you refer to?—There is the existence of the Established Church, and all its consequences.

758. Is there anything else?—I think that that is quite enough.

759. I wish to know whether there are any other exceptional Acts still in force?—I could not possibly have a knowledge of the various Acts of Parliament; but all I know is, that while the Protestant religion has an acknowledged legal status in Ireland the Catholic religion has not; and that the Protestant religion is endowed, and that its ministers are corporations sole, and that its bishops have rank and precedence, and seats in the Legislature. I do not know whether the law has yet been changed, but, if not, we are not allowed to bury our dead in the public churchyards without the leave of the Protestant clergyman, who, I suppose, is the owner of them. I consider all these things to be specimens of a state of things which places the Catholic church in Ireland in a position of inferiority, and the Protestant church in a position of superiority.

760. Is it the fact that the withdrawal of the Roman Catholics from the National Board of Education was caused by the Ecclesiastical Titles Act?—I consider that their withdrawal from the National Board was caused by that complete separation which exists between them and the Government of the country, for I am satisfied that if things had gone on as they were before, all these differences which have arisen between the Catholic hierarchy and the Government could have been arranged by mutual concession not involving sacrifice of principle. It is quite impossible that any public question can be settled, when there is only an interchange of some diplomatic despatches. A number of bishops meet, and they write a formal document to the Secretary for Ireland, and they receive a formal answer, and there is no opportunity of holding a friendly conversation together, by which they could make known each other's views, and without such opportunities I think that the effect must be a complete separation in all public and official transactions.

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761. As a matter of fact, was not it in consequence of a difference of opinion as to the system of the National Board that the Roman Catholic prelates withdrew from it?—Yes, but why did these differences of opinion exist? I consider that they would not have existed if there had been those opportunities which there were before of mutual consultation conducted in a friendly and confiding manner.

762. The withdrawal of the Roman Catholic prelates from the Board was caused by their dissatisfaction with the system of education pursued, and with the rules of the Board at the time, but you think that it might have been accommodated if intercourse had gone on as before?—I think it very likely that that and all other difficult and knotty questions arising between the bishops and the Government could be settled, if there were an opportunity of friendly intercourse.

763. Was not it upon a question of principle that the Roman Catholic bishops withdrew from the National Board?—It was.

764. What was that question?—The Roman Catholic bishops withdrew from the Board of Education on the general principle that by remaining on it they would sanction the principle of mixed education.

765. Do you recollect the date of that withdrawal?—It was gradual; some bishops withdrew at one time and some at another; they did not all withdraw at the same time.

766. Was not it at the time of the Synod of Thurles that the chief withdrawal of the bishops took place?—No; the Archbishop of Dublin, Dr. Murray, sat on the Board till his death. The Bishop of Raphoe and the Bishop of Down and Connor withdrew at different times; it was understood then that the bishops should not continue on the Board.

767. As sanctioning the system of mixed education?—Yes.

768. Then the Ecclesiastical Titles Act had nothing to do with the direct withdrawal of the bishops?—No; I consider that it operated indirectly.

769. As to the purely spiritual title and jurisdiction exercised by a Roman Catholic bishop, say, in a Roman Catholic country, by the law of his church is he supposed to possess any power of temporal punishment over the members of his church?—Yes, he has power by the canon law to punish certain crimes, and to hold a court which implies compulsory jurisdiction; but it is quite obvious that such a power never can be exercised without the aid of the secular arm, and that if the secular arm refuses its aid there is *de facto* an end of his compulsory jurisdiction.

770. Do you think that the want of that power is considered by the Roman Catholic prelates as a grievance or disadvantage?—I do not think that it is; I know that I should be very sorry to possess it.

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771. If the Ecclesiastical Titles Act had not been passed, and if the Roman Catholic prelates had been allowed, without any interference, to assume the position of bishops in ordinary, would they under the canon law have been allowed to possess that authority?—Certainly not, for the State would not lend its aid.

772. How are they prevented from possessing it under the canon law?—Simply because you will not send your policeman to execute the power.

773. Is it possessed in other countries?—Yes. There are appointed officers of the bishop's court; such as his beadle, and his citator, and other officers, who are bound to execute his summons, and to bring persons before his court, because the civil law of the country permits them to do so.

774. Mr. *Chichester Fortescue.*] You mean in countries where the Roman Catholic Church is the State Church?—I do.

775. Mr. *M'Kenna.*] You are aware that there is a Catholic episcopacy established in America?—Yes.

776. There is no civil arm to execute the judgment of the bishop in the United States?—No.

777. Mr. *Bruce.*] I think you have stated that you continually subscribe yourself as "Episcopus Kerriensis," for certain functions?—Yes.

778. Are those documents which become public?—The first class of documents which I mentioned generally do not become public; they are given to individuals, and are intended for presentation to individuals, and they are not likely to become public.

779. But, for their purposes, it is necessary that they should have the signature of a recognised bishop, and "Bishop Moriarty" would be unknown beyond the limits of Ireland, whereas "Episcopus Kerriensis" would be known all over the Catholic world?—So I consider; and I think that there would be a very great likelihood that a document merely signed with my name, would be rejected when presented to parties who did not know me, or who did not know my handwriting.

780. Is there any other signature besides "Episcopus Kerriensis," which you could adopt which would be equally well known, and which would carry with it the probability of genuineness equally well?—No; I cannot conceive any other signature which I could adopt which would authenticate my letter as being the proper style and form in which such a letter ought to be written.

781. You could not adopt any other form, unless an entirely different mode of appointing you were employed at Rome?—No.

782. In fact, to comply with the Ecclesiastical Titles Act, it would be necessary that the Pope should entirely alter the mode of dealing with the Roman Catholic bishops in Ireland, which he has pursued ever since Ireland was in connection with Rome?—I consider that to be the case.

783. Is it in accordance with the long-established usage of Rome, that the Pope should appoint bishops without titles?—There is no case in which the Pope appoints a bishop without a title; there must be a title, for a bishop is not appointed *in nubibus*.

784. Supposing the Pope to take measures to comply with the Ecclesiastical Titles Act, what do you suppose would be the substituted means of providing for the government of the Roman Catholic Church in Ireland?—The Pope should always appoint to a see or diocese; but if he wished to alter his formularium, he could make such a description of the see or diocese as would evade the evils of the Ecclesiastical Titles Act. I am, however, quite sure that he never will do it, nor should we wish him to do it, for it would be simply making a sacrifice to bigotry.

785. But it would still be necessary that he should give some territorial description?—Yes, that he should name the place, and that the circumscription should be understood within which the jurisdiction was to be exercised.

786. The Roman Catholic bishops now only exercise spiritual jurisdiction within certain geographical limits?—Just so.

787. Under any circumstances that is all which they could do, and under any circumstances it would be necessary to describe what those geographical limits were?—Yes; in appointing a bishop the Pope must appoint him to a see, and that see must have certain territorial limits.

788. Mr. *Chichester Fortescue.*] I understand you to say that you see no possibility of complying with the requirements of the Ecclesiastical Titles Act, without, in fact, surrendering all the old regular ecclesiastical order of the Roman Catholic Church in Ireland as constituted from time immemorial?—I consider so; and that as we have got through greater difficulties we can easily get through this.

789. You probably think that you ought not to be required to make that surrender without, at all events, having certain proof of the advantages to be derived?—We have, I can assure you, not the slightest intention of making a surrender on that point, no matter what Acts of Parliament are passed, or what penalties are threatened or imposed.

790. When you are told that you have only to refrain from using territorial titles in order to avoid the important word "such," in the first clause of the Ecclesiastical Titles Act, that request is, in fact, a request that you should surrender your whole ecclesiastical system and order, under which your Church has so long been constituted in Ireland?—That is what I consider.

791. Mr. *M'Kenna.*] With respect to the constitution of the Bishop's Court, and the officers which in some countries exist for the purpose of enforcing the judgment of the Bishop's Court, you have stated that no such civil arm exists for the Catholic episcopacy in the United States?—Just so.

792. I think that you have also stated that you do not desire that any such civil arm should exist in this country within your own diocese?—I do not wish to derive any authority or jurisdiction from the State in this country.

793. In fact, you would like, and would claim no more than, the freedom which exists in the United States for Catholic bishops?—I ask for no more than that. There are very few countries in the world now in which the Church exercises that compulsory jurisdiction; we know that it does not exist in France, and that it does not exist now in Italy, with the exception of Rome; and I believe that the change is almost universal. As I might be misunderstood, I should say that the Church claims the innate right of compulsory jurisdiction; but it is manifest that that compulsory jurisdiction cannot be exercised without the aid of the secular arm.

794. Although

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794. Although it is claimed as an abstract right existing in the Church, it is not claimed that they have any right to enforce that power?—They cannot enforce it unless the secular arm comes to their aid; and, in the present circumstances of the world, I for one should be very sorry to be invested with compulsory powers acknowledged and assisted by the State.

795. Mr. *Paull.*] Then, do you think that the secular power is subsidiary to the natural and innate jurisdiction of the Church?—Yes; I know that the Church claims the right of jurisdiction.

796. And the secular power would be subsidiary to that right?—Yes.

797. Hence the secular power of the country would be subsidiary to the right of the Church?—Yes; the Church acts by her own innate right, and then the power of the State comes in aid of the execution of that right by the Church; but the jurisdiction is not exercised by the right of the State, but only by the aid given by the State.

798. Mr. *M'Kenna.*] That is in respect of spiritual matters?—Yes; but the Church, in dealing with her own property, which is a temporal matter, would claim an innate right of compulsion; we do not put forward such a claim in this country, but I consider that it is necessary for me to be canonically accurate in stating my views upon these matters.

Tuesday, 23rd July 1867.

MEMBERS PRESENT:

Mr. Attorney General for Ireland.	Mr. Howes.
Mr. Cavendish Bentinck.	The Judge Advocate.
Mr. Henry Austin Bruce.	Mr. MacEvoy.
Lord Frederick Cavendish.	Mr. M'Kenna.
Mr. William Edward Forster.	Mr. Paull.
Mr. Chichester Fortescue.	Mr. Walpole.

EDWARD MacEVOY, Esq.; in the Chair.

The Most Reverend Henry Edward Manning, d.d., Examined.

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799. *Chairman.*] You are the Roman Catholic Archbishop of Westminster; will you tell the Committee what evidence you propose to give?—I shall be prepared to give evidence upon the following points. If the Committee is pleased, I will read, very briefly, only the heads. First, that the creation of the hierarchy was a purely spiritual act, without any assumption of civil or temporal jurisdiction. Secondly, that territorial jurisdiction implies neither civil nor temporal assumption. Thirdly, that territorial titles are not at variance with the royal supremacy, under the then existing state of the English law. Fourthly, that the Ecclesiastical Titles Act goes beyond its purport, and is highly penal in a sense which I think is not intended, according to the declarations of those who framed it. Fifthly, that it has placed the Catholic Church in England in a worse condition than it has ever occupied since 1829, and that it is entirely exceptional. Sixthly, that the Government and the tribunals of the country have been compelled to disregard it in practice. Seventhly, that the change from vicars apostolic to ordinary bishops was morally necessary to the Catholic Church in England. And eighthly, that the hierarchy is in no sense more contrary to law before the year 1851, than the vicars apostolic, and is more consonant with the public order of the country. And then I shall be prepared to give evidence to show that the Act is a grievance in many cases; and I would also beg to be allowed to add that it is inexpedient in its public action and political morality, and that it is hardly consistent with the relations of this country with other nations. Those are the points upon which I shall be prepared to give evidence; and what I would ask is, that I may be permitted to give evidence directly, before being, as I may say, cross-examined, because I think that otherwise it would somewhat disturb the course of the evidence, and I might be diverted, and might be unable to recollect what I should wish to say.

800. Did the creation of the hierarchy involve any assumption of temporal or civil power, or jurisdiction?—Certainly not. It was an act purely spiritual in its source. The person who took it acted in a purely spiritual capacity. If it had been taken in the first century, it would have been equally complete. In the next place, in its effects it was purely spiritual, for it created only sees and dioceses, and a spiritual jurisdiction. Thirdly, it was spiritual in all its consequences, because it created nothing but spiritual tribunals and spiritual sanctions in its processes. I would give in proof of this the fact that the Christian hierarchy was founded throughout the whole of the Roman Empire for three centuries before there was a Christian civil power in the world, and even in the face of penal laws and the ten prosecutions which were directed to its extinction. We find that in the beginning of the fourth century, upon the conversion of the first Christian Emperor, a council was held, in which there were some 100 or 200 bishops, three from Britain; and later, in the year 325, there was another council, in which there were between 200 and 300 bishops present, who were only the representatives of a very much larger hierarchy throughout the Christian world, which had been entirely founded by spiritual action, like the hierarchy of 1851, without any contact whatever with any civil power, excepting one which was adverse. Again, in the year 601, Pope Gregory the First directed the formation of the two provinces of Canterbury and York, by name, with 12 suffragans in each, at a time when there was no Christian civil power in England. We know from what is called the *Notitia Imperii* of the Roman Empire, that at the end of the fourth century, it was divided into 13 dioceses, as they were called, and which were civil divisions, and 120 provinces, and that the Church, in creating its hierarchies, conformed itself to the actual map of the empire, without any reference whatever to its authority, simply following it for convenience. There is one very remarkable case of a place in Palestine which was dependent upon another; it was Maiuma, which was dependent upon Gaza, and when Maiuma became a city (according to the rules which the Church always observed, whenever any town was elevated to the rank of a city), it became a see. When Maiuma was made a city it received immediately a bishopric; and when the Emperor Julian disfranchised the city, and reduced it to its former state, the Church still continued the bishopric, and also

also its independence of Gaza. I give this only to show that the whole action of the Catholic Church in the creation of hierarchies for 300 years, must by necessity have been purely spiritual, and that the act of creating a hierarchy in 1851, was altogether the same. Perhaps I may be allowed here to add a passage which, I think, will be very much in point, and of great importance, both in a primary and in a secondary sense; that is, a declaration made by the person who was at the head of that hierarchy when it was created. In a letter addressed to Lord John Russell, as he then was, he says, "With regard to myself, I beg to add that I am invested with a purely ecclesiastical dignity; that I have no secular or temporal delegation whatever."

801. Mr. *Walpole.*] By whom is that letter signed?—By Cardinal Wiseman. That will be the sum of my evidence upon the first head.

802. *Chairman.*] Does territorial title and jurisdiction carry any civil or temporal jurisdiction?—Certainly not; and I think that the first point has proved it, because there were spiritual jurisdictions throughout the whole world for three centuries; but the Church was not in contact with any civil power whatsoever. I will add to this a quotation from an Act, which perhaps may be of importance, namely, the Act which created the Jerusalem bishopric. The Crown was there advised to make the declaration which I am about to read. Under the provisions of the statute of 5 Vict. c. 6, the Crown created a bishopric at Jerusalem. By the warrant under the Royal sign manual and signet for the consecration of Dr. Alexander, the bishop appointed to that see, it is provided as follows: "And we are graciously pleased to assign Syria, Chaldea, Egypt, and Abyssinia, as the limit within which the said Michael Solomon Alexander may exercise spiritual jurisdiction, pursuant to the said Act (5 Vict. c. 6), subject, nevertheless, to such alterations in their limit as we from time to time may assign." I do not suppose that the Crown and Parliament there intended to assume any civil or temporal jurisdiction in creating the bishopric of Jerusalem.

803. Mr. *Walpole.*] You have not read the words of the creation of the see of Jerusalem?—I have not those words.

804. The words which you have read appear to be geographically distinguishing the region within which the Bishop of Jerusalem is to act?—Quite so, as I think I shall be prepared to show hereafter with regard to vicars apostolic.

805. But you have not the words of the creation?—I have not.

806. *Chairman.*] Do you consider that the assumption of territorial titles is at variance with the Royal supremacy?—It is at variance with the Royal supremacy, in so far as certain prohibitions in the Act of Queen Elizabeth prevented even spiritual acts being taken under any bulls or letters apostolic; and in that sense, I say, yes. In the sense of the toleration which has been legally given to the Catholic Church in England since that time, by Acts of Parliament, I say, no; and my answer is founded upon this: It is quite clear from English law at all periods, that the spiritual and the temporal elements in a hierarchy have been carefully distinguished. I should not venture to speak upon a legal point if it were not a matter of ecclesiastical law, and as I have been compelled from the necessities of duty to have some relations with it for many years, I may, perhaps, without any presumption in the presence of legal authorities, refer to some facts which I hope are indubitable. The first is this: By the law of England with respect to sees, as declared in 25 Edw. 3, c. 6, the election and consecration of a bishop runs as follows: The *congé d'élire* is in the Crown; the election is in the chapter; the Royal assent is afterwards given to that election, and the oath of allegiance is then required. Next came confirmation and consecration upon the mandate of the Pope in the then state of the law, and finally the delivery of temporalities by the King. Now, that state of the law was confirmed by the 25th Henry VIII., cap. 20, with this only difference, that all Papal jurisdiction with respect to the confirmation and consecration and delivery of jurisdiction to the person elect was transferred from the Pope to the Crown. This Act was for a time repealed by Edward VI., when all bishoprics were made donative, and the election by the chapters was suppressed; but by the 8th of Elizabeth, the state of the law as declared by the 25th of Henry VIII. was restored, and is the law of England at this hour. So that the law of England at this day runs as follows; that the election of a bishop is a spiritual act by the chapter, and that the confirmation at Bow Church by the Archbishop of Canterbury by mandate of the Crown, and the consecration subsequently by the Archbishop of Canterbury, are by the law of England at this moment spiritual acts of the Church. The ecclesiastical lawyers of the Church of England are divided into three classes, namely, those who take a purely Erastian view of the Church of England; those who take a very lax view, and what I must call a low church view of discipline; and those who take a very strict legal view; and I think that the last class are distinctly right in their judgment and in the law, as I have expressed it, which will be found in all the books of authority since the Reformation. I may refer to Ayliffe's "Parergon," and Gibson's "Codex," and Wilkins's "Concilia," and books of that sort, and I believe that they are in conformity with historical fact. So that the creation of a bishop is a spiritual act derived from the Church of England under the supreme civil action of the Crown as follows; there is the election of the person, and the consecration of the bishop, followed by the delivery of temporalities; but by the law of England, the creation of a bishop is an absolutely spiritual act; and I think that confusion has arisen from this fact, namely, that when spiritual and temporal matters come in contact, there arises what is commonly called ecclesiastical matter; or temporal questions, which attach to spiritual things. The ecclesiastical judge in a spiritual court exercises a coercive jurisdiction derived not from the spiritual, but from the temporal power. From this mixed jurisdiction has grown up, what in the law books has been called improperly spiritual matter; but the creation of a hierarchy does not fall under this third category, it is strictly in the first; it is a purely spiritual action. I do not know whether the Committee would be wearied, or would desire that I should give evidence of what I say by any quotations, but I am prepared to do so. I would refer first of all to Bracton; treating of jurisdiction, in his fifth book, where he says, "There is ordinary jurisdiction, things which pertain to the priesthood and ecclesiastical matters (*ad sacerdotium et forum ecclesiasticum*), as in causes

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causes spiritual or concerning the spirituality (*in causis spiritualibus et spiritualitati annexis*). There is also ordinary jurisdiction of those things which pertain to the Crown and dignity of the King and kingdom, as causes and pleas of things temporal *in foro seculari*, &c." The same is in a very well-known passage again in his fifth book, in which he distinguishes very clearly and broadly between spiritual and temporal matters. He says, "To the Pope and priesthood pertain things which are spiritual, and to the King and the realm those things which are temporal, according to what is written. 'The heaven to the Lord, the earth hath he given to the children of men;' and hence to the Pope it pertains not that he should ordain or dispose of temporalities, and much less to kings or princes of spiritualities; and as the Pope can ordain in spiritualities, as orders and dignities, so can the King in temporalities of creating and giving of inheritance, &c., according to the custom of his realm. It does not pertain to the King or secular judge to judge of those things which are annexed to spiritualities, as tithes, &c.; *vice versâ*, it does not pertain to the ecclesiastical judge to take cognizance of anything which pertains to the Crown and royal dignity of the kingdom, which *in foro seculari* should be determined as of a lay fee, or such appurtenances as of right appertain to it, as an advowson, &c." There is a well-known case in the time of King Edward the Third, in which the judges delivered the same opinion over and over again in the most express manner; if the Committee think it necessary, I will read the quotation. The question was, a presentation to the deanery of Lynne, by the Crown, in the time of Edward the Third, and there was a cause against the Bishop of Norwich, who barred it. One of the judges said, "The writ ought to be *ratione temporalium episcopatus*, for the bishopric is a thing spiritual, which cannot come to the King." There was a vacancy of the see, and the King claimed to present during the vacancy, but the spiritual office, it was declared, could not come to the King, although the temporalities might. Another of the judges said "The temporality and spirituality make a bishop, and as the spirituality cannot come into the hands of the King, the temporalities shall, and in ancient times the Kings were accustomed to give the bishopric," because the King acted on the temporal matter. Another judge said, "As well might the King say that in the time of voidance, he can, as the Pope, give a bishopric not only in temporalities, but in spiritualities." Another judge said, "The spirituality without the temporality can be a bishopric; but if the temporality be joined by the spirituality, the Pope cannot give the temporalities, except at the will of the King. The temporalities may remain in the hands of the King, and yet a bishop be created." It is clear from those decisions that the bishop is a spiritual person, and that the hierarchy is a spiritual creation, entirely distinct from any civil or temporal possession, which attached to it in the then existing state of the kingdom. If it is necessary, I might refer to the statute of 25th Henry the Eighth, by which, in the preamble, the distinction between the spirituality and the temporality is made perfectly clear; and the same thing is laid down in all the authorities to which I have before referred. That is the sum of the evidence which I would offer upon the second point.

807. Mr. *Walpole.*] Would not that amount to this, that the King, being a temporal power, cannot create the office of a bishop by himself?—Yes.

808. But that the King, being the sovereign of the country where the bishopric might be given, can require homage to be done for the temporalities of any see?—Quite so; and that according to this state of law which shows that the *congé d'élire* and the mandate to confirm and consecrate, have, at least since the Reformation, been, by the law of England, attached to the Crown by transfer from the jurisdiction of the Pope.

809. Am I not right in supposing that, according to the law of England in those times of which you have been speaking, though a bishop might be made by the Pope, or under the authority of the Pope, it could not be done without the consent the King, as affecting a see in England?—Yes; but there are several questions. There was Richard Wyche, Bishop of Chichester for some years, without having his temporalities.

810. I think that I am accurately stating the ecclesiastical and the common law of this country?—Yes. The concurrent action of the two powers was required, because there was then a state of law in which the two powers were concurrent upon the basis of agreement.

811. Consequently, in Roman Catholic times in this country, the Pope might himself, or by some authority, appoint a bishop in England; but he could not appoint a bishop to a see in England without the consent of the Crown?—Certainly. It derived itself from the existing laws. The point upon which we now are is, whether the assumption of territorial titles is at variance with the Royal supremacy. I think that there can be no question that, by the statutes of Queen Elizabeth, the introduction of any bull, brief, or letters apostolical into this country, and the putting of them in force, for any purposes whatsoever, is prohibited; that, I take it, was the condition of the law under Queen Elizabeth. Now, the evidence which I have hitherto offered goes to this point, that such was not the state of the Royal supremacy till that date. I think that this is evident. The Act of Richard the Second's time, which has been quoted before in Lalor's case, relates only to temporal jurisdiction; he was tried under the statute of Richard the Second for having assumed temporal jurisdiction, and having presided in cases of his benefice and matrimonial cases, and other matters. I am aware that Lord Cope affirms that the Acts of Queen Elizabeth and Henry the Eighth are nothing more than a declaration of the old law. I think that that is not founded on fact, and that the Tudor statutes went beyond the previous limits; and that whereas any action taken upon a bull or brief in matters having temporal consequences would come under the Act of Præmunire, the Tudor statutes made it also penal to act under those bulls or briefs in any matters purely spiritual. That, I think, is the first distinction.

812. Did not that Act of Elizabeth prohibit the introduction of bulls altogether?—Yes; it made it penal to introduce them, and to act upon them.

813. The Act of Elizabeth did not turn upon any question of title?—No, it was as to the introduction of bulls or letters; that is to say, people acting upon any Papal jurisdiction whatever, without any limit. But as, before that time, the limit was to matters having temporal or civil consequences

consequences, it afterwards applied as well to matters purely spiritual. Now, the first thing which is to be submitted to the Committee is this: that upon the declaration of that supremacy existing over all matters spiritual and religious, the separation of the Brownists arose, who were the fathers of the Nonconformists, and thenceforward a Nonconformist movement began, which had ended in this result: that inasmuch as Ireland and Scotland never received the Royal supremacy, one-half of the English population gradually withdrew itself from the action of that Royal supremacy in all matters spiritual and religious. In all matters temporal and civil, the Catholics of England are known to be as loyal as any of Her Majesty's subjects; but as respects the oath of supremacy, that which the Catholics cannot take, the Protestant Nonconformists have led the way in refusing, and have been relieved by a series of Acts of Parliament. The Catholics were ultimately and tardily relieved from the same obligation by more recent Acts; but what I would submit to the Committee is this: that all those who are Dissenters from the ecclesiastical statutes of the Tudor times, have been by Acts of Parliament exempted from the penal consequences of denying the spiritual or ecclesiastical part of the Royal supremacy. The Protestant dissenting bodies were fully relieved from that obligation in the time of William and Mary. The Act of the 1st of William and Mary, c. 18, relieved Dissenters from the oath of supremacy; the 19th Geo. 3, c. 44, and 52 Geo. 3, c. 105, also relieved Dissenters from penalties; and the 10th Geo. 4, c. 7, released Catholics from the oath of supremacy, excepting as to civil obedience.

814. When you refer to those Acts as relieving the Nonconformists in the one case, and the Roman Catholics in the other, from penalties; those were the penalties imposed by Act of Parliament for not conforming to the Church of England, were they not?—Partly they were; but the Act of 1 William and Mary relates to the oath, and the Act of 10 Geo. 4, the Emancipation Act, relates to the manner in which the oath is framed for Catholics, excluding the spiritual and religious part of the Royal supremacy.

815. The substituted oath for the Roman Catholics left out the words "spiritual and ecclesiastical," and inserted the words "civil and temporal"?—Yes; and therefore in the case of all Her Majesty's subjects who dissent from the spiritual or ecclesiastical side of the Royal supremacy, they were progressively relieved from it by the statute law.

816. Were they not required to say that "no foreign prince, prelate, or potentate, hath, or ought to have, any spiritual or ecclesiastical jurisdiction within this realm;" some Roman Catholics would not admit it, and some Protestants would not admit it; it went no further than that?—No; it only had this effect, that they were not compelled to disclaim the existence of the power in which they believed.

817. I suppose that it amounted to this, that they were not required to disclaim that the Pope of Rome might exercise over the consciences of people living in this country a certain spiritual authority?—A purely spiritual authority.

818. Did they go beyond that?—I do not know that they did, nor do I bring it for any further use than that. I think that it is sufficient for my argument to show that the Royal supremacy has, in its relation to Dissenters, Protestant and Catholic, after the statutes which I have quoted, left them free not only to believe the existence, but also to conform themselves to the exercise, of that which they believe, namely, a spiritual jurisdiction or authority which is a part of their religion. In proof of that I may give the fact, that in Scotland the whole Scotch Kirk is founded upon what is called the Headship of Christ; that is to say, they claim, as the source of all spiritual jurisdiction and discipline, the person of our Lord himself, and those officers whom he has appointed, namely, the Presbyters and the General Assembly, and the Church synods, who represent that supreme authority in matters spiritual; and, as a matter of fact, the Kirk in Scotland is quite as independent of the spiritual power of the Crown as we are, and claims an independence quite as great, and although the Royal Commissioner sits at the opening of the General Assembly, that is in reference to those relations of amity which exist; as the representatives of Catholic powers who are in amity with the Church, might be invited to a council. I conceive that this is no cession of any ecclesiastical or spiritual power to the Crown.

819. You have more than once used the phrase "the spiritual power or prerogative of the Crown"; are you not aware that the Crown has never claimed any spiritual power?—I have said that I entirely believe the third class of ecclesiastical writers upon the Church of England to be perfectly right, and that I think that the Erastian and the low class school are not right, as far as this, that the Crown never claimed to be the fountain of spiritual jurisdiction. The language is somewhat ambiguous, but Queen Elizabeth disclaimed the title of "the Head of the Church" for that very purpose, in order to show that she was the supreme governor only in temporal matters.

820. As a matter of fact, is not the contrary declared, both by the Articles and by the Canons of the English Church?—Yes, there are those declarations, and I found what I say upon them. It appears to me that the Kirk in Scotland has claimed exemption from the Royal Supremacy in all matter which is purely spiritual, and that it has enjoyed it. Now beyond that, it is evident that the Catholic Church in England, from a very early period, before the Emancipation Act, was at least passively tolerated in its purely spiritual character and action, notwithstanding the prohibitions which stood upon the statute book under the Tudor statutes, and notwithstanding the oath of supremacy. I refer to the beginning of this century, before the Act of Relief. There is no doubt that the Catholic Church for two centuries had had its vicars apostolic, and those vicars apostolic had consecrated their successors; and the whole spiritual jurisdiction of the Catholic Church had gone on passively, notwithstanding the existence of these statutes upon the book, and notwithstanding the oath of supremacy. But after the changes to which I refer, I think that the Catholic Church was placed in a far greater state of liberty; the penalties were removed, the oath was modified, and though it was not placed on the footing of the Kirk in Scotland, because it is not recognised by law, it was left in a perfect freedom of spiritual action.

821. You have used the words, "notwithstanding the statutes"; but was there anything in the statutes of the law of England which prohibited the exercise of spiritual functions by

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vicars apostolic?—First of all, we have Lalor's case, in which it was held, even to his ill, that it was so.

822. Was there anything in the statute law which prevented the spiritual exercise of their functions by vicars apostolic?—Yes, if exercised under a bull or letters of the Pope.

823. Is it not the case that the statute law prevented the bull, but did not interfere with the exercise of the spiritual functions of the bishop?—The saying of mass was penal in the last century.

824. Is there any evidence of that?—The last case was tried before Lord Mansfield. I believe that I am perfectly correct in the statement.

825. Mr. *Cavendish Bentinck.*] Do you know how that case arose?—It was the case, I think, of a vicar apostolic, Dr. Talbot, in London. I think that it is to the point here, if I may be allowed to refer to the following facts: So completely was this freedom tolerated with respect to the Colonies of Great Britain, that in 1819, on the 29th of June, the Right Rev. Dr. James Buckley was consecrated Bishop of Gerra, to govern the islands of Trinidad, Jamaica, Bermuda, Barbadoes and Dominica, Demerara, and so on. Now, there is no evidence whatsoever that any communication was ever had with the civil power, or any remonstrance ever made upon the creation of that vicariate, for it was a vicariate. Next, I come to Canada, which from the year 1760 has belonged to the British Crown. In Canada, a bishopric was established at Quebec in the year 1779, and it was afterwards elevated into an archbishopric, with nine suffragans; more recently, Halifax was made an archbishopric, with four suffragans.

826. Mr. *Walpole.*] What was the date of the second Act?—On March 21st 1849 the Right Reverend Dr. Walsh is styled in an Act of Parliament "Roman Catholic Bishop of the Diocese of Halifax, Nova Scotia," and throughout the Act he is called, "the Roman Catholic Bishop of the said diocese." The creation of that hierarchy is entirely a spiritual act.

827. Was not Canada with regard to this particular question created under very particular circumstances; I think that the Roman Catholic religion being the religion of Lower Canada, that religion was secured to the Canadians, by the Act of Cession?—It was secured to the French population of Lower Canada.

828. And the Acts of the Imperial Parliament subsequent to that recognised the religion of the population as being the Roman Catholic religion?—That is quite true, but the hierarchy which I speak of includes the whole of Canada.

829. In that respect any government given to the Church of Canada would more or less resemble the government of the Church in Scotland, than the government of the Church here?—That I admit.

830. Mr. *Chichester Fortescue.*] That observation would apply only to Lower Canada?—I refer only to Lower Canada. The whole of the old ecclesiastical law and everything belonging to the previous state of the French Colony, was secured by the Act of Cession; but I am not aware that it extended to the new parts of Canada which might be colonised. The whole of Upper Canada is a new creation since that date, and the creation of the hierarchy there has been altogether like the creation of the hierarchy in 1851, of which we have been speaking. I will take a case as to which there is less question: Australia was the first to obtain the hierarchical form of ecclesiastical government, by the erection of the archiepiscopal see of Sydney, with suffragans at Maitland, Hobart-town, Adelaide, Perth, Melbourne, and Port Victoria. This was done openly, and was publicly known, and no remonstrance was made. The bishops in every document took their titles and were acknowledged, and I believe that some were salaried by the Colonial Government. Subsequently there have been erected the sees of Armidale, Bathurst, Brisbane, and Goulbourn. Four new sees have been quite recently erected, so that there is a very large hierarchy, consisting of 10 sees, without any relation whatever to the Government, Colonial or Imperial, and with no remonstrance on the part of either.

831. Mr. *Walpole.*] With regard to the Colonial Government, would not recent decisions show that there is some difficulty in creating a see, or giving jurisdiction to the Church of England?—Yes.

832. Those questions would therefore rather turn upon Colonial than upon Imperial law, would they not?—Yes; but my point is now to show the relation of Her Majesty's subjects to the Royal supremacy. Of course the Royal supremacy runs throughout the whole circuit of the empire, and though the Crown has no tribunals to enforce its sentences in the Colonies, the appeals coming home, yet the Royal supremacy is really in force in all the Colonies; but in these same Colonies, hierarchies have been created, without any remonstrance, throughout every part of the British dominions. I may add that in British India there are not less than 20 Catholic bishops, all of whom, with one exception, have been created in this century, and ranging down to the last two or three years. Now, I have never heard that the Indian or the Imperial Government had made any remonstrance to that freedom of action. I would ask leave to refer to the Toleration Act of the 31 Geo. 3, c. 32, s. 5, by which Roman Catholic bishops are allowed under the description of "ministers of any higher rank or order than priests"; they are there clearly recognised as existing and permitted. I would also add, as showing the ground on which it was believed by the Catholic Church that in the proceeding of 1851, by creating a hierarchy, it was in no sense at variance with the will or permission of the Government and of public law, that Lord Aberdeen in the year 1851, March 3rd, stated what I believe to be a fair summary of the opinions of public men at that time. He said, in relation to the first draft of this Act, "The proposed measure will probably be ineffectual, and will, therefore, inflict no penalty; but if it should be effectual, I maintain that it is the lawful right of the Roman Catholic Church in this country to constitute regularly, and in the ordinary manner, their episcopal government; and I maintain that any impediment to that action on their part is persecution. The measure attacks that which is an acknowledged right in every church. Times are changed. If the Roman Catholic Church were not tolerated by law, the case would be altered; but having admitted the Roman Catholics to an equality of civil rights, I say they have a right to constitute their church in a legal and regular manner. Although for reasons which may have satisfied them, they have for a long period acted under vicars apostolic, there is nothing in justice or in common sense to prevent

prevent their appointment of bishops in a regular and proper manner." I believe that that is a fair summary of the public opinion of that day. The point which I have had to speak of is, that the territorial titles are not at variance with the Royal supremacy as it was understood under the modifications of the statute law, and the toleration permitted to the Catholic Church at that date.

833. *Chairman.*] Do you consider that the Ecclesiastical Titles Act inflicts a grievance of conscience? — I think that the Ecclesiastical Titles Act goes beyond its purport, and is highly penal, that is my belief, and my reason is this: it professes to hinder and to annul territorial titles; but it does a great deal more than that. I am sorry that one Member of the Committee, who has been present has left the room, because I must refer to some words which came from his high authority, and I would rather that I could have done so in his presence. On the 23rd May 1851, the then member for Midhurst, said that "He was afraid of introducing any general words which might touch functions, purely religious and spiritual, and thinking it advisable not to go beyond the special occasion, he preferred the clause as it now stood." I think that it is quite obvious that the Ecclesiastical Titles Act, if put in force, goes very far beyond this.

834. Mr. *Chichester Fortescue.*] To what clause did Mr. Walpole refer; was it the clause as it now stands in the Act of Parliament?—I think that it was with regard to the proposed introduction of the word "such" in the clause. This declaration, in substance, I believe to have been the intention of the Legislature. What the enactment purposed to do was, to protect the supremacy of the Crown from all assumption of territorial jurisdiction or title, in the sense of civil and political consequences or powers; and from all assumption of civil dignity attaching to the office of bishop. On the other hand, I have no doubt that it was intended to protect the existing state of the established religion from any claim of the Catholic bishops to the existing sees; but what I wish to submit to the Committee is this: the second clause of the Ecclesiastical Titles Act is, "And be it enacted that if, after the passing of this Act, any person shall obtain or cause to be procured from the bishop or see of Rome, or shall publish or put in use, within any part of the United Kingdom, any such bull, brief, rescript, or letters apostolical, or any other instrument or writing for the purpose of constituting such archbishops of such pretended provinces, sees, or dioceses within the United Kingdom; or if any person, other than a person thereunto authorised by law in respect of an archbishopric, bishopric, or deanery of the United Church of England and Ireland, assume or use the name, style, or title of archbishop, bishop, or dean of any city, town, or place, or of any territory or district (under any designation or description whatsoever) in the United Kingdom, whether such city, town, or place, or such territory or district, be or be not the see or the province, or co-extensive with the province of any archbishop, or the see or the diocese, or co-extensive with the diocese of any bishop, or the seat or place of the church of any dean, or co-extensive with any deanery of the said United Church," he shall incur a certain penalty. I would submit that this renders penal the consecration of a bishop both in the consecrator and in the consecrated. I do not know how far these tables of consanguinity would extend, but I apprehend that the Act would apply to all those who assist in the publication of the brief, because no bishop can be consecrated unless the authority under which he is named to that see be published; and the publisher both active and passive, he who directs, and he who acts under the direction, would appear to me to come under this enactment. The carrying out of that publication by consecrating the person, is a still more distinct exercise of power conferred under that brief, and the person consecrated is in like manner a participator. Now that, I am perfectly confident, was not the intention of anybody who took part in this measure. Lord Aberdeen, in the debate in the House of Lords, put that point, and it was not answered. They said that the Act was not intended to have that effect, and that nobody desired it to have that effect; but I say that if the law were enforced it would have that effect.

835. Mr. *Bruce.*] It depends upon the form of the brief?—The brief must essentially and always run in the same form, namely, that we, the supreme authority, appoint so and so, by virtue of our power, to such a see; and, therefore, I am afraid that there can be no variation in form which would save that effect. That is a purely spiritual part of the Catholic religion, and enters into the conscience; because orders are a sacrament in the faith of Catholics, and it is in a purely spiritual part of their religion that the operation of this Act, if enforced, would take effect. I might pursue that matter by saying, that every time that a Catholic bishop gives faculties to his priests, he violates the Act. The Committee are well aware that no Catholic priest can exercise any part whatsoever of his office unless he receives a written document, signed by the bishop of that diocese, to say mass, or hear confession, or give absolution. The right to perform the whole pastoral work of a parish must ultimately come from exactly the same source which is prohibited in this Act. My present point is to show that the Ecclesiastical Titles Act, which merely purports to declare null and void the creation of archbishops and bishops, and to exclude them from legal recognition, and to make them nullities in law, goes further, and invades the region of conscience, and makes penal the exercise of the highest acts of the Catholic religion. I cannot doubt that that is one of the reasons why it has never been enforced; but any one must see that that was the case from the moment when the Act was passed, and that language was used which went a great deal further than the intention of those who framed the Act.

836. *Chairman.*] Has the Ecclesiastical Titles Act, in your opinion, deprived the Catholic Church in great part of the toleration secured to all other of Her Majesty's subjects?—Yes, I think distinctly so, for this reason: before 1851, the free exercise of the Catholic religion by vicars apostolic, and the consecration of bishops, and the full exercise of jurisdiction by those vicars apostolic, and by all the clergy empowered by them, was tolerated. If what I have just said is true, it is clear that that is not tolerated now. In the next place, the declaring of the Catholic bishops to be now null and void, of course places them in a disadvantageous position, compared with the manner in which vicars apostolic were recognised. But further, I think that it is fully proved by Mr. Harting, by Mr. Hope Scott,

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Scott, and by Mr. Justice O'Hagan, that the Ecclesiastical Titles Act has introduced a great deal of uncertainty and doubt, and jeopardy and risk to our legal documents.

837. Mr. *Bruce.*] Are you able to state, from your own experience, any such evil results?—I have never had a case myself, but it is very curious, that only yesterday a legal document was brought to me, in which I was described in such a way that I should doubt whether it would be in conformity with this Act; and I raised the question with my solicitor, whether it would not put the matter in jeopardy before a court of law. He said that he hoped not, but it is quite possible.

838. Do you remember the terms of that agreement?—The title was inserted; there is no doubt about the identity of the person to whom the bequest was made; the identity of the person was perfectly established; but inasmuch as that person is unknown to the law, as Mr. Hope Scott said, the bequest might be valid in itself, but there would be no hand to receive it. I cannot pronounce upon that point, but it certainly introduces a great element of jeopardy into our trusts.

839. *Chairman.*] Are you aware of any case in which the Act has been put in force?—No, I have no knowledge of any instance; but evidence has been already given to show that the Privy Council has been compelled, I may say, by equity to go counter to the Act, and to describe the Catholic bishops in such a way as to recognise their existence and their entity. I may also say that Catholic chaplains have been appointed to the army and the navy, and the prisons. Now, in every case it is necessary that recourse should be had to the bishop in whose diocese those appointments are made. It happened that in the time of Cardinal Wiseman, during the Crimean war, when Lord Panmure was at the War Department, I was commissioned by the Cardinal to put myself in communication with him, and to nominate, on his behalf, many chaplains who went to the Crimea. I did so, and they received their faculties from the Cardinal, through the War Department. Now, it is quite clear that in that case the War Department was placing itself in connection with a person who had no legal existence. The same is true of the Admiralty, and the same is true of the prisons. With respect to the prisons a curious case happened only last year, in which the Government having removed a certain class of prisoners to another prison, they selected a Catholic clergyman of very great prudence and discretion to attend them; but he was obliged to come to me; he told his superiors that he was unable to act till he had received faculties for the purpose; then he came to me and received his faculties for the discharge of his duties. In all these particulars, of the most purely spiritual work of the Church, it is necessary that the office of the bishop should be recognised.

840. Mr. *Chichester Fortescue.*] You probably know that the same holds good of the Colonial Office?—Yes.

841. You probably know that it is now the invariable practice of the Colonial Office to consult one of the Roman Catholic bishops in this country in choosing Roman Catholic clergymen for appointment?—Yes.

842. *Chairman.*] Do you consider that the change from vicars apostolic to diocesan bishops was necessary, or of high importance to the Catholic Church in England?—I think that it was morally necessary; I believe that the difference between Government, by vicars apostolic, and Government by bishops in ordinary, is like the difference between a Crown Colony and a Legislative Colony. A Crown Colony is in an incipient and informal state, in which either a new acquisition or a territory lately brought under colonisation is governed by officers directly appointed from home. When the Colony has grown to something like maturity, it receives a legislature, from which arises an immense development of prosperity. In the same way I believe that it was necessary for the Catholic Church to pass from what was its transitional and informal state, in which it had been from its first formation, to its normal state. Mr. Harting has already answered some questions on this point; he said that vicars apostolic simply represented their superior, the Pope. Of course the Committee will be well aware that it is a matter of faith with Catholics that the entire spiritual jurisdiction which extends over the whole world is derived from one person. This power is distinct from the order and episcopal character of the bishop, which empower him to administer ordination and confirmation; there is, apart from that, a jurisdiction committed to him, whereby a certain person is empowered to exercise his powers within a given limit. A bishop with episcopal character only, without jurisdiction, is simply passive, he cannot move hand or foot. I think that a question was asked whether there was not a case of a bishop having episcopal character without any see at all; and it is stated in ecclesiastical history that two such were present at the Council of Nice. I have not verified it since, but the reference to the case was made, and I believe it to be probable, though I am not perfectly certain of it; but the observation to be made upon that case is this; those two bishops were as simply passive and powerless as if a judge were appointed without a court and without a circuit, although he might have the judicial name and character of a judge, and he might be ranked among the judges of the land. A bishop, when consecrated, may ordain and confirm; but he would have no power to ordain or confirm anybody, he would have no power to act in any given place in any part of the world, till he received what is called jurisdiction. And it is quite obvious that, in the multitude of missionaries sent out, unless there were supreme power tracing the limits of their jurisdiction, there would be perpetual collisions. There is a supreme fountain of jurisdiction, which is, in matters spiritual, what the Crown in the British Empire is in matters temporal. It is held that the supreme fountain of jurisdiction is one, and one only, and that a vicar apostolic is simply, as we should say in England, the curate of the rector; he simply acts *pro hac vice* for the Pope; he represents him, and he is removable at any moment, *ad nutum;* he has no status of his own; he has powers which are undefined, except with regard to his own prudence and the canon law; his government is simply personal and informal, and whatsoever he does is liable to be undone by his successor, so that it is altogether traditionary and transient. That is the system of government by vicars apostolic. Now, the government by a diocesan bishop is just the reverse. First of all, he has an ordinary jurisdiction; he is like a judge who has received his court and his circuit;

circuit; he is invested with a certain sphere, and with permanent authority in that sphere, which he can exercise at all times, without dependence, except ultimate dependence, upon the Pope. Next, there is a chapter, which is of the greatest importance, both to the clergy and to the laity, of the church. The chapter consists of some 11 persons, chosen with great care from the most learned, and the most mature, and the most trustworthy of the clergy, the elders of the clergy, who, in fact, are the representatives of the clergy, in a great many cases. The bishop is bound to take the counsel of that chapter, in many parts of his office; there are questions on which he is bound to hear their counsel, and some in which he is also bound to follow it; so that an ordinary bishop has these checks and guarantees for the just administration of matters in his diocese. Thirdly, he can hold synods, and I think that the importance of synods will be seen to be extremely great, both to the clergy and to the laity of the church. Vicars apostolic make rules of discipline of their own prudence, but a bishop in ordinary, when he draws up rules, submits them first to the chapter; the chapter examines them with a full liberty to deliver their opinion and advice upon the matter; he then publishes these regulations of discipline to all his clergy, and they have an opportunity of making any remarks, so that the government of the clergy, and through them of their flocks, is reduced to a regular and certain state of law. Lastly, the bishop has tribunals for the trial of his clergy; and I believe that a question was asked by the Committee in what way that was managed among us. The ordinary practice is, that in the synod a commission of inquisition, as it is called, that is to say, a commission of inquiry is appointed of clergy who are selected for their gravity and trustworthiness and known integrity, and who are therefore acceptable to the clergy, to be the judges of any such emergent questions of conduct among their brethren. I may say that the whole effect of this is to give a permanence to the government of the district or diocese. To create rules which are open and public, and which are in the hands of the clergy, and are known to the laity, is a main cause of the internal peace of the Catholic Church in England; and this has followed upon the change from the government by vicars apostolic to the government by bishops. I believe that the Committee have asked some questions as to whether this change was invoked by the clergy and laity, and that evidence has been given of it. If the Committee will be good enough to refer to the speech of the late Duke of Newcastle, in 1851, in Hansard, they will find that he shews by evidence from the Reformation downwards, that the English clergy and laity had been moving the Holy See to constitute a diocesan government. The same was the desire of Mr. Pitt, and he thought that it would greatly promote the peace of these countries if the Catholic clergy were reduced to a normal state; and, lastly, I think that this has been countenanced in the most distinct way by our public men. If the Committee will allow me I will read some passages; they are not long. First of all in respect to the Colonial Office, as to which a very true statement has been made of the friendly communications which have passed again and again upon questions of this sort. The late Cardinal applied to the Colonial Office at the time when Lord Stanley, the present Earl of Derby, was Secretary, to know whether there was any difficulty in the establishment of bishopricks in Canada. In 1841 or 1842, the Cardinal, then Bishop Wiseman, was commissioned by the Holy See to sound the feelings of the Government on the subject of a hierarchy in North America. The answer of the Under Secretary for the Colonies (I believe that it was Sir James Stephen) was, to this effect, "What does it matter to us what you call yourselves, whether vicars apostolic, or bishops, or muftis, or imaums, so that you do not ask us to do anything for you? We have no right to prevent you taking any title among yourselves." A few days afterwards the Cardinal was informed that the matter had been laid before the head of the department, and that the answer was the same.

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843. Mr. *Chichester Fortescue.*] Were the words which you have quoted used in a conversation or in a letter? — It was conversation. Then, again, Lord John Russell, as he then was, in 1846, in a speech in the House of Commons, said, "There is another offence, of introducing a bull of the Pope into the country. The question is, whether it is desirable to keep up that or any other penalty for such an offence. It does not appear to me that we can possibly attempt to prevent the introduction of popes' bulls into this country. There are certain bulls of the Pope which are absolutely necessary for the appointment of bishops and pastors belonging to the Roman Catholic Church; it would be quite impossible to prevent the introduction of such bulls." That is from Hansard, volume 88, the date being 6th August 1846. Lord Lyndhurst, in the year 1846, said, "They tolerated the Catholic prelates, and they knew that these prelates could not carry on their church establishments, or conduct its discipline, without holding communication with the Pope of Rome. No Roman Catholic bishop could be created without the authority of a bull from the Pope of Rome, and many of the observances of their church required the same sanction. The moment, therefore, that they sanctioned the observance of the Roman Catholic religion in this country, they by implication allowed the communication (with the Pope) prohibited by this statute, and for which it imposed the penalties of high treason. If the law allowed the doctrines and discipline of the Roman Catholic Church, it should be permitted to be carried on perfectly and properly, and that could not be without such communication. On these grounds he proposed to repeal the Act" (13 Eliz). That is from Hansard, vol. 85, p. 1261. The same was expressed by Lord John Russell in 1844, 1845, and 1846. On the 13th February 1844, he said, "I think that we ought to take away everything derogatory to the position and character of the Roman Catholic bishops. You provide by statute that they shall not be allowed to style themselves by the name of the diocese over which they preside; I think that a most foolish prohibition." On the 9th of July 1845, he said: "I believe that we might repeal those disallowing clauses which prevented a Roman Catholic bishop assuming a title held by a bishop of the Established Church; I cannot conceive any good ground for the continuance of this restriction." On the 5th of February 1846, he said: "As to preventing persons assuming particular titles, nothing can be more absurd and puerile than to keep up such a distinction." There is one more passage of Lord Russell's which I think

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I think is of importance, because it brings out a subject which I think I may here introduce. Lord Russell said on 17th August 1848: "I do not know that the Pope has authorised in any way, by any authority he may have, the creation of any archbishopric or bishopric with dioceses in England, but certainly I have not given my consent, nor should I give my consent if I were asked to do so, to any such formation of dioceses. With regard to spiritual authority, the honourable gentleman must see, when he alludes to other states in Europe, that whatever control is to be obtained over the spiritual authority of the Pope, can only be obtained by agreement for that end. You must either give certain advantages to the Roman Catholic religion, and obtain from the Pope certain other advantages in return, among which you must stipulate that the Pope shall not create any dioceses in England without the consent of the Queen; or, on the other hand, you must say that you will have nothing to do with arrangements of that kind; that you will not consent, in any way, to give any authority to the Roman Catholic religion in England. But then you must leave the spiritual authority of the Pope entirely unfettered; you cannot bind the Pope's spiritual influence, unless you have some agreement." I think that that is all which I would offer upon that part of the subject, unless there is any question which the Committee would ask; except that, I may be allowed to state one more fact, and that is, that the United States leave the whole of this action free upon that principle; their law is, "that there shall be no law respecting religion or prohibiting the free exercise thereof;" that clause of the Constitution binds every State in the Union, so that you have 10 or 11 provinces, and 50 bishoprics which have grown up without any contract whatever with the civil authority of America.

844. *Chairman.*] Do you consider the present state of the law adverse to the public welfare of the country, and to its relations with foreign countries? —Yes; first of all, I think that the Ecclesiastical Titles Act is a grievance; I think that it goes beyond its purport, and it is a grievance which I do not think that any members of the Legislature who were parties to its passing ever intended, or would as Members of Parliament, for one moment, maintain. It is contrary to every declaration which we have had from the Legislature, as to the perfect fredom of conscience, to be permitted to all Her Majesty's subjects; I am quite satisfied that the interpretation put upon this Act by all parties was, that it relates only to titles, and to a civil and political assumption; but if my interpretation be correct, I think that the Act is a great grievance, and one which I have no doubt will be removed; but if my interpretation be only doubtful, it is a grievance still; we ought not to have this Act hanging like a sword over our heads; therefore, taking it either way, I affirm that the Ecclesiastical Titles Act, as it stands, is a grievance, and a grievance on conscience. In the next place, in both Houses of Parliament a declaration has been made with my name, though not by my commission, but from which I in no sense recede; and I feel it to be far more honourable and upright to say to you that what Major O'Reilly stated in the House of Commons, and what Lord Lyveden stated in the House of Lords, is an accurate representation of the words which I used. I said to Major O'Reilly, that "as a Christian and an Englishman I feel it to be a grievance that I am compelled, by a superior obligation, to violate the statute law of the land every day of my life. I think that I have a just right, as a Christian and an Englishman, to complain of being placed in that position." Now, the necessity which is imposed upon me is this. I cannot by any manner of means give even spiritual power to my clergy to absolve a fenian, or to say mass without doing it in a character which I derive from a brief. I hold no other office; I am no other person; I am not Bishop of Adramyttium, or of any other place. If I so signed myself I should simply nullify my acts; it is impossible in my conscience to describe myself in any other way than as holding the office which I do hold, and that has been made penal. Now, you will observe that I am under the obligations of my duty, for which I must give account to the highest tribunal in this world and in the next; and I cannot fulfil those obligations except in one character, and that character is purely spiritual. But by this statute I am assumed to have a civil or a political character in relation to territory. It will be observed that the vicars apostolic were territorial in all cases. The vicars apostolic in having a territory assigned to them, had no more civil jurisdiction than Bishop Alexander of Jerusalem under the Queen's Letters Patent in Chaldea and Abyssinia, and so on; that is to say, he claimed only a spiritual jurisdiction over the persons in those districts. It has been thought that a vicar apostolic is not a territorial bishop, but he is so in the fullest sense. If he be the Bishop of Adramythium, and cannot exercise his functions in his own see, he may be sent to England as vicar apostolic of the London district, which is territorial in every sense. The reason why he does not describe himself as "Bishop of the London district" is because he is already Bishop of Adramythium. If he is vicar of the London, or western, or eastern district, it is not a district in the air: it is a district of England; and if a person is made vicar of the eastern district of England, the title is not complete until that is stated. In fact, every vicar apostolic had his territory as distinctly defined as a diocesan bishop. There was then an apportionment of England: first, into four parts, and then into eight, quite as distinct and unequivocal as the division of England into 13 dioceses of the hierarchy. Now, it is in this character that we are compelled to act, and I cannot but feel this law to be a grievance, because I cannot in any possible way fulfil the spiritual functions of my duty, without coming into collision with this Act. Last year my publisher was threatened for the title-page of one of my books. He came to me on the subject. I told him that every day I am compelled to sign a number of documents, with the only title which is valid. I added, "I do not think it Christian, honourable, English, or open, to do one thing in the dark and another in the light; to describe myself in one way in documents which only reach the hands of my priests who act under them, and to describe myself in another way in public. I think it far more honourable to proceed in one way in the light and in the dark." I say this now, because I think that it is far more consistent with the direct and honourable way in which the Committee has dealt with the evidence before them, and with me, to say exactly what our position is. We, therefore, complain of this Act as a grievance, because a superior obligation compels us, every day of our lives, to perform

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form a number of acts at variance with this statute. I am convinced that the statute was never framed for the purpose of prohibiting them; and I think that that is a ground for asking that that statute should be repealed. Again, I think that we have occasion to call it a grievance, inasmuch as it attaches a public stigma, which is not without its sensible effects. I do not know that I ought to dwell much upon that; but it is not very pleasant to be ignored by the public law of your country. With the permission of the Committee, I will add one more thought; I quite admit that it does not properly fall within the evidence which perhaps I should offer, but inasmuch as the United Kingdoms are one, I think that I may very fairly say that, in my opinion, the Act is publicly inexpedient, and, more than that, it is dangerous in its public action upon the political morality of this country. There are enactments of this sort which it is impossible to obey, and which it is known that we cannot, and therefore do not, obey, and its action in Ireland I know to be exceedingly irritating. My flock has in it a large proportion of Irish, and the matter is brought to me in my own flock. And I think that it is a very inexpedient thing to represent to the mass of the Irish population that their chief pastors are in a position of inobedience to the public law. I think it highly inexpedient that we should be placed in any state in which, when we have to exhort them to obedience to the law of the land, they should be able to say, what many have said, "You do not obey it yourselves." Now I think that this ought to be taken away for the peace of the three kingdoms. The state of our colonies, Canada and Australia especially, where, since the year 1830, another legislation has prevailed, has, I believe, brought about a state of public peace and prosperity which we, up to this very date, do not know, and I believe that the action of the colonies upon the mother country will hereafter be useful to us. I will only make one further remark, namely, that in our relation to foreign countries and continental nations, I cannot but think that we all must feel that there is something incongruous, something discordant in the fact that when the representatives of foreign nations meet in conference in London, or when their ambassadors permanently reside at the Court of St. James', they should find that bishops whom they recognise in their own land are, under the penal law of this country, in the condition in which the Ecclesiastical Titles Act places us. That is the last observation which I have to make, and I thank the Committee for having heard me so patiently.

845. Mr. *Attorney General for Ireland.*] You are, of course, aware that it is part of the doctrine of our church, as well as of the Roman Catholic Church, that there cannot be two bishops in the same see; that the existence of one bishop excludes another?—Yes.

846. Does not that interpose a very great obstacle in the way of any legal recognition of a bishop of the Roman Catholic Church, exercising what you term territorial jurisdiction; that is to say, a jurisdiction within a particular territorial district?—I certainly think that it makes a difficulty in the way of the Legislature establishing two such episcopates; I think that it makes it difficult for the Legislature to recognise two such episcopates with an equality of right; but I do not think that it makes a difficulty under the circumstances of our case, because we are aware that we run out into two different and perfectly irreconcileable principles; and inasmuch as in England and Ireland episcopal churches are exclusively established by law, possessing the benefices and recognition of title, I do not see that there is any difficulty in dealing with those whom I now call Dissenters, as I have described before, either Protestant or Catholic, and giving them all a perfect freedom of action within the principles of their own belief. It is only on that ground that we, as Catholics, claim any estate in England. We ask, first of all, for legal toleration; I think that I have made out that we have not it, but I think that I have made out that we had it down to 1851, more or less, and that since 1851 this Act has deprived us of toleration, and that we ought to be replaced in a state of toleration. Next I think that we may fairly claim (and I do not see that the Legislature would have difficulty in granting it), notwithstanding the existence of two hierarchies in England and Ireland already, such a recognition by way of designation as should take away all uncertainty with respect to legal documents. I think that under the present state of things it would be impossible for the law of England to establish two hierarchies. We, as Catholics, in England and Ireland, are in the position of Dissenters.

847. There appear to me to be two great difficulties in the way of recognising the hierarchy of the Roman Catholic Church. The first is the one which I have just suggested to you; namely, that the existence of one bishop excludes every other within that same episcopal district; and, secondly, there is the confusion of names?—Yes, in Ireland.

848. As to the second point, do you think that there would be any objection on the part of the Roman Catholic prelates if they were allowed to assume a territorial title with the peculiar appellation of "Roman Catholic"; such as "the Roman Catholic Archbishop of Wesminster"?—For instance, I find that there is a case in point in the Archbishop of Dublin. The Dublin Cemetery Act, 9 & 10 Vict. c. 361, states, "And be it enacted, that his Grace Daniel Murray, archbishop, and his successors exercising the same spiritual jurisdiction as he now exercises in the diocese of Dublin as an archbishop, may from time to time appoint, at the desire of the said governing body, a clergyman of the Roman Catholic Church to officiate as chaplain"; and so on.

849. I put it further than that, namely, to have the title of "Roman Catholic Archbishop of Dublin" to distinguish him from the "Archbishop of Dublin"?—On our part I conceive that there would be no difficulty whatever in the Crown or the Legislature designating us in any way which they thought fit; because I am satisfied that that designation would be a proper and respectful one.

850. Supposing that the law allowed the assumption of title with the distinguishing appellation of "Roman Catholic" prefixed, would that be satisfactory?—Whether it would be satisfactory or not, is more than I can answer; but whatsoever the Legislature may do the Legislature has perfect freedom to do, without consulting us. We could not use any form which should imply the recognition of anything which we do not recognise, or the existence of that which we

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we believe to have no real existence. Therefore the difficulty on our part unquestionably would be this, that we should use no form or style which would seem to imply that there was any other jurisdiction than our own.

851. Then you would object to the title of "Roman Catholic bishop," and your being obliged, in legal documents, to assume and describe yourselves as Roman Catholic bishops of particular sees?—I do not know that, in the legal use of the term, any difficulty would arise; for instance, supposing that I have to sign a Latin document giving faculties to a priest, I am obliged, of necessity, to style myself in a certain way. To attach "Roman Catholic" to that signature would be an act which I could not perform, except under supreme direction, which would tell me that I ought to do; so that upon that point I could not assent to the proposal. But as far as regards any act of the Legislature, in which it prescribed a title, which would prevent confusion in Acts of Parliament, or legal deeds, I do not suppose that there would be any difficulty on our part.

852. You complain of an existing grievance, and suggest the necessity of a remedy?—Yes.

853. What remedy can be suggested which will get over the difficulties of which you complain?—That is a matter which I have not considered, and as to which I cannot answer; and it is too grave a matter upon which to speak, unless I had consultation of my colleagues, and further than that, there must be a reference for direction. It would be a departure from the practice, which has been adopted in all ages.

854. Do you consider it an insuperable objection?—That I cannot say. I cannot tell whether such a question would be entertained or not, but there is certainly the objection that a change of technical terms introduces uncertainty; and if there were suddenly a change in that respect, there would be great uncertainty, especially where there was an impression made upon masses of people. I can quite say that we should not for a moment consider it a grievance if the Legislature were to prescribe any mode of describing us in legal documents which seemed to them best.

835. Would it be considered a remedy for what you now complain of as a grievance that the Legislature should alter the Ecclesiastical Titles Act, by prohibiting the assumption of territorial titles unless at the same time you prefixed to the title such a distinguishing designation as I have now suggested; for instance, "Roman Catholic"?—That would leave us in this difficulty, that unless we had authority to assent to the change we should be compelled to continue our present practice, and all documents signed as we now sign them would be penal. I could not answer the question in the affirmative, unless I knew that sanction would be given to such a change. You are aware that the Catholic Church is proverbially supposed to be exceedingly jealous of the traditionary idea of all its forms, and I should think that it would be very slow to modify that which is known to the whole world; because, observe what it would be; there would be a hierarchy in England describing itself differently from the hierarchy in France or in Germany. It is quite obvious that for us to change our style or title in our own acts, would be to distinguish ourselves from the universal hierarchy in a way which I do not believe the Holy See would for a moment consent to. But there is no difficulty at all in our being described in legal documents apart from that. The question which you put to me has two parts; one part refers to legal documents in which it is necessary so to describe us as to identify us; and the other part relates to private documents, such as giving faculties to a priest. If the Act were repealed in matters simply of conscience, and if a form were prescribed for a legal designation to be used in legal documents having legal and civil consequence, that I think might be much more easily done.

856. Would you be satisfied to carry it to this extent, that upon public or State occasions the Roman Catholic archbishop should be distinguished as "Roman Catholic Archbishop of Dublin"?—I do not suppose that we should think of what the Lord Chamberlain did; the difficulty is as to what we do ourselves, because for us to designate ourselves with a style different from what we are accustomed to do, is introducing an element which I do not think the Catholic Church, which has always strictly preserved its traditions, would entertain. But, as regards all public acts taken by the Legislature, in conformity with their own convictions, we should take no offence.

857. Can you suggest any mode to prevent the probable confusion which would arise from two persons bearing the same name?—The other day I heard it said in evidence that there was once a question in Dublin, which of the two archbishops was meant in a bequest. I do not know that that case has happened. I admit that letters have sometimes gone wrong by the post; but I do not think that anybody in England ever has a doubt which of the two bishops he means to refer to. First of all they have not the same sees. In Ireland, where the sees are identical, I do not think that anybody falls into a mistake as to which of the two bishops is intended; so that I do not think that there is any real doubt in that respect. In legal documents I can understand it, and there it might be provided against.

858. We, who are members of the Established Church, according to the law of our church, cannot recognise any other episcopate within the territories within which our church exercises episcopal functions?—Just so.

859. Is not that a difficulty, and all but an insuperable difficulty, in the way of the recognition of an established hierarchy in the Roman Catholic Church?—I think that that was a difficulty two centuries back; but I think time has fought against the difficulty and has destroyed it, because there is a hierarchy in Ireland dating from the Reformation; and I believe that there is evidence in the room that there has been a hierarchy in existence in the Roman Catholic Church not interrupted. I believe that Dr. Brady will be able to give evidence upon that point. Our case is this, the British Empire at this moment has a double episcopate over its whole surface. There is in England, Scotland, and Ireland, a Catholic episcopate. Over the whole of the Colonies, and far more numerously and extensively, there is a Catholic episcopate which cannot be eradicated. And inasmuch as the necessity of facts has reduced us to this state, I do not think that any Act of Parliament varying titles can now have any influence upon this point. What we have to do is to make the relations as easy and peaceful as can be.

860. Would not a legislative acknowledgment by the members of the Established Church, of the

the existence of a Roman Catholic territorial episcopate in this country be entirely inconsistent with the law of the Established Church of this country to which I have just referred?—First of all, I think that if an Act of the legislature were to recognise the Catholic episcopate in England and Ireland, there would be a co-ordinate existence, which, in point of legal recognition, would be on the same footing; but there would be no benefices, there would be no tribunals, there would be no coercive power, and there would be no temporal dignity; therefore I do not think that the established religion of the country would feel itself aggrieved if the Catholic clergy were brought into a normal condition; and for the peace of the country, I think it would be much better.

861. By our law, I may take it that the existence of one episcopate always precludes the existence of another episcopate in the same district?—I think that in the sphere of religion it does, but not in the sphere of law. In the sphere of religion it does, because the Established Church in Ireland, say, of 800,000 persons, would feel that the recognition of the Catholic hierarchy, would put the Church of the population of Ireland on the same footing as themselves. In England, the Church of England, I suppose, have one-half of the population, and they would perhaps feel that the Catholic hierarchy was placed somewhat more in proximity to themselves; but I should not think that the great mass of the English people would feel it. It is not a legislative, but a religious question.

862. Do you think that the absence of any temporal territorial precedence connected with the Roman Catholic hierarchy is a grievance?—No, we do not ask it. In the Colonies it has been impossible to carry out the establishment of a church in the sense in which we know it in England; for instance, in Australia, under Sir Richard Bourke's Government, the two churches were upon an equal footing, and the two episcopates worked side by side. I do not think that in the Colonies this question arises, but I think that in England and Ireland, the old historical feeling creates the sensitiveness to which you refer, and which I do not deny.

863. I have understood you to state, that your suggestion is that you should be put in the same position as the other Dissenters of the country?—I mean in point of toleration and exemption from acknowledging the Royal supremacy.

864. Is not there a great distinction between the position of your church in that respect, and that of the other Non-conformists, inasmuch as in your church you entertain the opinion, as we do, that one episcopate excludes all other episcopates in the same district; whereas Protestant Dissenters do not hold any such theory as that; and, according to them, there may be a Baptist or a Methodist minister in a district where there is a minister of the Anglican Church, without one interfering with the other?—Yes, but I think that the Anglican Church would hold that ordination is essential to orders, and that the Dissenting ministers are exercising a ministry which the Anglican Church do not consider valid. There we are upon the same analogy. The Dissenters would complain of their not being recognised. What I have stated is a point of conscience in the Church of England; they, as a matter of religious belief, hold it as a principle which they cannot yield. We hold one further principle, namely, that no bishops can be lawfully consecrated, except under a supreme authority; so that we hold the Divine institution of the episcopacy, plus its derivation from one fountain; therefore I do not think that the difficulty is a difficulty peculiar to us; it is upon a scale; it begins with the feeling of the Dissenters towards the Episcopalians, and it goes from the Episcopalians to the Catholics.

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865. Each church holds an exclusion?—Yes, but there is one more condition in our case.

866. And that does not exist as regards the Protestant Dissenters?—They do not exclude one another, but the Church of England excludes them all.

867. But they do not exclude the Church of England?—They do not exclude the Church of England, and yet I imagine that they do not like episcopacy; and I think that the belief in the Divine institution of episcopacy is something more nearly allied to us than they like.

868. The difficulty of there being only one episcopacy within a territorial district does not exist with Protestant Dissenters?—I believe that it exists in this way; the Church of England claims quite as exclusive a territorial jurisdiction over every soul in a parish or diocese. The Scotch Kirk, some 20 years ago, was rent, and a Free Kirk was established side by side with it. There was a territorial spiritual jurisdiction established by the Free Kirk throughout the whole of Scotland, and I imagine that they both claim in the same sense. I think that that feeling is all but universal, but I think that it is incurable by an Act of Parliament; it belongs to the sphere of religion.

869. Do you think that any grievance attaches to the provision of the Emancipation Act, which prohibits Roman Catholics from assuming the titles of existing sees?—That falls under a good many of the answers which I have made, because inasmuch as the Catholic bishops are themselves bishops of those sees, they cannot so designate themselves in any other way They are under the superior obligation which I have spoken of; so that they cannot designate themselves otherwise. I do, therefore, think it a grievance.

870. Would there be any probability of any arrangement being arrived at by which such a state of things could be established, as that Roman Catholic prelates should be allowed to exercise their spiritual functions, and at the same time to guard against the evils arising from similarity of name?—I think that that question is very much the same as whether there could be any variation of title; and I must give the same answer to it. It also appears to me that the difficulties of confusion are confined within a very narrow limit, because, although they may arise in legal documents, I do not think that they arise in public opinion, or in the minds of the two flocks. The post, sometimes, as I have said, makes mistakes.

871. But still you think it natural that we should entertain our opinions as strongly with regard to the position of our church, as you do with respect to the position of yours?—Yes; but is not the difficulty upon this point, that you naturally feel sensitively the presence of any other authority than that which you believe to be the authority of your own bishop. It seems to me to be a question not of confusion or of identity, but of religious feeling, which is very much to be respected. It appears to me, therefore, that

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that that is rather a question of religious feeling in a minority than of public law for the Three Kingdoms.

872. Mr. *Chichester Fortescue.*] Reverting to the question of a legal designation to be provided for Roman Catholic prelates, did I rightly understand your Grace just now to mean this, that you thought that such a state of the law as the following would probably be satisfactory: namely, that you should be left at liberty to sign yourselves with such titles as you thought right; that is to say, I take it, that the Ecclesiastical Titles Act should be repealed, but that so far as legal documents necessary for the transmission of property and so on were concerned, you would not object to Parliament, for the sake of public convenience, and in order to avoid confusion, providing a legal designation to be used, not by, but of Roman Catholic prelates on such occasions?—I should certainly not object to that; assuming that designation to be a perfectly proper one, which I take for granted, I do not know of any objection. It appears to me that what is requisite is the repeal of this Act, so that the use of a territorial title by a Catholic Bishop shall be permitted, the assumption of that territorial title being independent of any civil power whatsoever; again, that it shall be left open to the Catholic Church to describe itself according to the nature of its constitution; and lastly, that inasmuch as doubts may hang over legal instruments by which property is dealt with, the form used shall be prescribed by law: that would have this effect; it would remove the grievance of what Lord Aberdeen calls a "persecution," and I think that he was right. It would also avoid what the Attorney General for Ireland has pointed out as regards the recognition of the Church; it would give it a tolerance with all classes of Her Majesty's subjects, who unfortunately are disunited, and it would first, enable us to exercise freely our functions; and, secondly, it would give such security to legal trusts and documents, as would put us beyond the jeopardy of uncertainty. That I think might be very fairly asked, and might be done without the violation of any proper feeling.

873. As to the question of so-called territorial jurisdiction, and the existence of two bishops in one diocese, putting aside the idea of any temporal or coercive jurisdiction, and the idea that the Roman Catholic Archbishop of Westminster is in an analogous position to that of the Lord Lieutenant of Middlesex, am I to understand you to state that the claim, whatever it may be, which you make over the inhabitants of your diocese, is a claim of a purely spiritual and religious nature?—It is of a purely spiritual and religious nature.

874. The law, therefore, in dealing with anything which you claim, is dealing with a purely religious matter?—Yes; and the sentence which I read from the letter of Cardinal Wiseman declares it; and I think that the last eighteen years prove it. The Cardinal says, "With regard to myself, I beg to add that I am invested with a purely ecclesiastical dignity; that I have no secular or temporal delegation whatever."

875. So that the difference between your position as a Roman Catholic prelate and that of a non-conformist minister in this country, so far as the law is concerned, is a difference of a purely religious kind?—Yes, we are all external to law in this respect. The law of the land gives to the Established Church a clothing of civil and coercive jurisdiction. We have been entirely excluded from that state, and the dissenters are in the same position; I of course mean in ecclesiastical and spiritual matters. We are not in the position of the Archdeacon of Middlesex, who may article a man for not paying church rates. We have no such jurisdiction.

876. It has been said, and very often implied in this Committee, that the first clause of the Ecclesiastical Titles Act, limited by the word "such," refers merely to diocesan bishops possessing diocesan titles; and that the Roman Catholic body has nothing to do in order to escape the operation of this law, but to give up the use of those titles. Do I rightly understand you to inform the Committee that that requirement is in fact to require the Roman Catholic body in England to surrender the ordinary and ancient and regular order of their church; and to surrender all those internal, and so to speak, constitutional advantages, which you have so admirably described to the Committee?—It would be like asking Australia to come back under the Colonial Office, entirely extinguishing the whole of its mature code, and again placing it under the direct action of the Crown through the Colonial Secretary.

877. So far from being a trifling matter, it is, in fact, asking you to surrender a great deal which you value deeply?—I consider that the change which was made was necessary in the highest possible sense short of being absolute.

878. And you believe that the change has secured those great advantages which you have in this country, without in any way interfering with the interests or freedom of other denominations of Christians?—I am quite sure of it.

879. Would you agree with me that the following would be a true description of the assumption of diocesan titles on the part of the Roman Catholic Church in England, which is prohibited by the Act now under our consideration, namely, that the use of such titles is inconsistent with an ancient system of things in this country under which one exclusive State Church existed, and under which the presence or the organisation of other religious bodies was prohibited under penalties; but that it is perfectly consistent with our modern and happier state of things under which religious freedom and the freedom of religious organisation is supposed to be given to all bodies?—In the time of Queen Elizabeth the Established Church contained the whole population of England; at the present moment it contains one-half. During the last century and a half the colonies of Great Britain have been constituted both civil and ecclesiastical, and a vast Catholic hierarchy has grown up. It is totally impossible to deal with the Roman Catholic Church as it was dealt with in the times of James the First; it is out of date; it is an anachronism.

880. The Ecclesiastical Titles Act would have been a natural part of the old penal laws?—Quite so.

881. But it is utterly inconsistent with our present system of religious freedom?—Yes, it is perfectly impossible that it can consist with it.

882. Mr. *M'Kenna.*] With respect to the objection which has been urged against the establishment of a Catholic episcopate, on the ground that there is already a Protestant episcopate established, I am to understand you to say that the practice, which has been established in the colonies, displaces that objection?—Yes; I think

think that the question has been given up long ago.

883. And if the Catholic episcopacy were recognised here, in the same way as that in which it is recognised in the colonial portions of the empire, it would, as I understand you, be satisfactory to you?—Quite so.

884. Mr. *Forster.*] Talking of the colonies, are you aware that in one or two of the West India islands, Jamaica for example, there is the same position with regard to the Anglican Church, as in England; that is to say, that the Anglican Church is established by law?—Yes.

885. In those colonies are the Roman Catholic bishops distinguished by their territorial titles?—In some they are, and in some they are not. In Trinidad and Roseau they are territorial; in the other colonies they are vicars apostolic.

886. You are aware that there is no Established Church in Trinidad, whereas in Jamaica and Barbadoes there is?—Yes.

887. In those West India Colonies in which there is the Anglican Church, and a division into parishes, the Roman Catholic hierarchy still adheres to the old system of vicars apostolic?—I suppose so; but that is not done upon any principle; it is merely accidental.

888. Mr. *Chichester Fortescue.*] But in the earlier part of your evidence, I think you gave us an extract which showed that a Roman Catholic bishop had been consecrated over a part of the West Indies, that the instrument contained the word "govern," and that the definition was a strictly territorial one?—Yes.

889. Mr. *Forster.*] But I have understood you to state, in the course of the evidence which you have given to-day, that it is quite a fallacy to suppose that the ordinary title of bishop has more a territorial jurisdiction attached to it, than that of vicar apostolic?—Quite so, and for this reason: where there is no bishop in ordinary, the Pope is bishop; he has the spiritual territorial jurisdiction of any place where there is no ordinary bishop; he sends a vicar as his representative, and he therefore is the territorial bishop of that place, in quite as full a sense as if he bore the title.

890. Am I not to understand by that, that a vicar apostolic coming to England would be at a loss to know what he had to do, unless he knew in what particular territorial district he was to act as the delegate of the Pope?—Certainly; and for that cause there is a definite district assigned to him. England was first divided into four districts; namely, north, west, east, and south, and then into eight, but they were always territorial.

891. Your Grace has made it quite clear to the Committee, that the objection, whatever it may be to the territorial jurisdiction, applied as much to a vicar apostolic, as to a bishop. You have also made it quite clear to the Committee, that with your present powers, and in your present position as appointed by the authority under which you religiously act, namely, the Pope, the existing law is a grievance; but I wish to ask you this question; would it be possible for the difficulty which is created by the Act of Parliament to be met by the Pope if he thought fit to do so?—I am not able to answer that question, only from want of light upon it, because I do not know whether such an example has ever taken place, and whether such a treatment has ever been in use. In the east, where there are Latin rites and Greek rites, and Armenian rites, there are patriarchs and bishops side by side; the two titles are distinct; but whether those titles are known to the holy see, I cannot say.

892. But so far as you know from your knowledge of the history of the Roman Catholic Church, it would, I suppose, be unprecedented for the Pope to clothe with episcopal authority any clergyman without at the same time apportioning to him a territory?—Clearly. Unless he has some territory assigned to him, he is like, as I have said, a judge without a court or a circuit; he has no territory in which he can exercise any jurisdiction whatever.

893. Then, if the Pope were able by any means to meet the law, it would be by evading its letter, because in substance he would find it necessary to clothe a bishop with diocesan power, and therefore if he did not give him some diocesan title, it must be by an evasion of words?—I will say that a vicar apostolic, the Bishop of Adramyttium, is appointed to the northern district of England, and I will say that his district consists of four or five counties of England, he is thereby vicar apostolic of the northern district of England, and therefore the title terminates only when you pronounce the word "England." The reason why he does not call himself "bishop" of the northern district of England is, because he is Bishop of Adramyttium, although he has a territorial designation as respects England; he is already Bishop of Adramyttium, and therefore he does not vary his style. If that were not the case he might be called bishop of these counties; but then it would be like a quotation from Richard the Second; he would be "Harry of Hereford, Lancaster, and Derby."

894. Why could not the Pope appoint you, for instance, by the designation of Archbishop Manning, arranging the district over which you were to exercise your authority, but without by the rescript attaching to your name any place, and without requiring you to designate yourself as the archbishop of such place?—Inasmuch as we believe that there is a supreme power to vary all laws in ecclesiastical arrangements, if you ask me whether the Pope could do it, I could not say, no; because I am not quite sure that he could not; but if you ask me whether he ever did it, I say that there is no such example of which I am aware. The whole hierarchy throughout all the world, to this hour, has always proceeded upon one uniform principle, namely, that the Pope, who possesses the supreme universal, spiritual, and territorial jurisdiction, divests himself of the ordinary use of it, by constituting bishops and forming dioceses. The outlying regions on the frontiers continue as vicariats. I do not know in the whole practice of the Church any mode of proceeding except that. The Pope acts either through a vicar or by an ordinary bishop, and a diocesan hierarchy, and I know no other example. If you ask me whether the Pope could recede from that, I cannot answer the question; but if you ask me whether he would, I feel perfectly certain that he would not; because the practice of the whole Christian Church would be thereby violated in a manner which would create great confusion.

895. And would not it be open to this objection: that in reality you would be archbishop of the diocese, and that it would be of very little consequence whether you were called so or not?—Precisely so; it would be an evasion.

896. Therefore you state, that for the exercise of

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of your religious functions it is necessary that you should have a diocese attached to you?—Yes.

897. And that having a diocese attached to you, for you not to be called the bishop of that diocese would be unprecedented in the history of your Church, and would be an evasion of the real facts of the case?—Yes; and even if it were converted again into a vicariat, or treated as you describe, it would be equally territorial.

898. Mr. *Bruce.*] Is it not the fact that the appointment of a bishop by the Pope practically ousts the power of the Pope in that see?—No; because it is held that whenever the Pope converts a vicariat into an ordinary bishopric, he divests himself of the ordinary exercise of his jurisdiction, but his power is co-ordinate in that diocese to the end of time, and he may correct all the actions of the bishop.

899. Are you aware whether, at any period in the history of Ireland, before the agitation which led to the Ecclesiastical Titles Act, any inconvenience arose with reference to the confusion of which we have heard so much, which led to the proposal of any legislation preventing the assumption by a Roman Catholic prelate of a title held by a bishop of the Established Church?—I never heard an instance alleged. I can quite understand that letters would go wrong, and that in legal documents there might sometimes be a question as to the party for whom the money was intended, but I never heard of anything happening in public opinion, or in the respective flocks of the two bishops. At the same time, not being of the country, I cannot speak with so much certainty as I might otherwise be enabled to do.

900. Mr. *Cavendish Bentinck.*] I understood you to say with respect to the question of appointing a bishop without a diocese, that it was competent to the Pope to appoint such a bishop if he thought fit?—The only instance which I know is that which was alleged of the two bishops at the Council of Nice. Just as a priest might be ordained, having no parish. I suppose that a bishop might be so consecrated; but the practice of the Church has been otherwise.

901. Therefore the Pope might appoint a bishop to act in a particular district with the powers of a bishop in ordinary, instead of those of a vicar apostolic?—If he were a bishop in ordinary he would carry the title of the place, because immediately that he becomes a bishop in ordinary he takes the title of the place where his see is.

902. We have understood from Mr. Hope Scott that the difference between a vicar apostolic and a bishop in ordinary was, that the powers of the former were larger and looser?—Yes.

903. If the Pope cannot appoint a bishop without a diocese, could he not appoint a bishop, if he thought fit, with the more limited powers of a bishop in ordinary?—Yes; that he of course does in every instance in creating a hierarchy; he sends a bishop on a mission; the bishop sometimes cannot establish himself. The appointment of a vicar apostolic supposes a transition state; it is always in order to the creation of a diocese.

904. Suppose the case of a country where there is no religious toleration, and no prospect of religious toleration, such, for instance, as Spain, and such as the country which is under the civil government of the Pope; if, in a country where that religious intolerance prevailed, and where there was no prospect of any relief, the Pope would not create a bishop with more limited powers, I apprehend that then the grievance would not be so much against the government as against the Pope?—That would depend upon circumstances; his subjects might be all of the same religion. If in Spain there were, as there are in England, Ireland, and Scotland, three different classes of religion, you would then have to deal with a divided population; but where the population is entirely one in faith it is one in communion.

905. Supposing that there was a country in which the State said that it would not tolerate any religion but this one, namely, that of the Roman Catholic Church, I apprehend that it would then be competent to the Pope, if he thought fit, to relieve them from the grievance under which they were labouring as respected the appointment of a bishop?—There are parts of the Greek Church in Sicily and in Italy at this moment where they retain all their usages and rites. I think that in one case there is a bishop, but how that is arranged I do not know.

906. For instance, there is a patriarch at Venice, but I never heard that he had a territorial title; he is called the Greek Patriarch?—He has no territorial title outside the walls of his own ministry.

907. He is not in communion with the Roman Church?—There may be a Greek schismatic; that I do not know.

908. I understood you to say that you considered that there was something incongruous in the fact that ambassadors of the Roman Catholic powers here should find bishops of their own communion in this position. Do you think that the minister of Spain would have any right to make such a complaint. Do you think that in Spain, or in France, or in any of those Roman Catholic countries the Government would allow Anglican bishops?—France would, certainly. I do not know whether France would allow an Anglican bishop to hold territorial title; the existing French law is that the State has no religion; but that the Roman Catholic religion being the predominant religion, has the precedence in public law. It gives perfect toleration to Protestants, and I should think that it would not interfere with title. I do not know of any law upon the subject; but that is beyond my sphere. With regard to Spain, what I hear from lay Spaniards is this, that the complete unity of the religion in the people is much more strongly demanded by the laity than by the clergy; and that they have been extremely slow to admit any changes. This, I take it, is founded upon the fact that the old unity of religion has never been shattered and broken up; and that they have never had to deal with an exceptional state of things. But that is not the condition of the United States or this country; and I imagine that the course which they would take is just what Austria has taken. Austria has given a complete toleration to all religions in its empire.

909. With regard to Austria, there is a very large Protestant community?—Yes.

910. Mr. *Chichester Fortescue.*] I suppose that what you implied just now by your answer to Mr. Forster was, that if the English Government were to think it necessary to invite the court of Rome to appoint ordinary bishops in England without dioceses or without diocesan titles, they would be inviting the Pope to do something unheard of in the history of the Church?—Quite so, and a thing either without example, or out of date.

The Reverend WILLIAM MAZIERE BRADY, D.D.; called in, and Examined.

Rev. *W. M. Brady*, D.D.

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911. *Chairman.*] YOU are a clergyman of the Established Church in Ireland?—Yes.

912. Where is your living?—At Donaghpatrick, in the county of Meath. I have been an incumbent of the Established Church for about 16 or 17 years.

913. The following question was put the other day to Mr. Hope Scott by Mr. Walpole: "Am I not right in supposing that with the exception of two Roman Catholic bishops, all the other bishops then in Ireland joined the Reformed Church?" In reply to which he said, "I cannot tell you; I have not studied the question." Then he was asked, "You have no particular information upon the point?" and his answer was "No." Have you formed any opinion on the subject?—I have had occasion to form an opinion upon it from having given particular attention, and written a book (called "The Irish Reformation") upon that subject. The grounds upon which the general opinion was formed are very slight, and scarcely stand a moment's investigation.

914. Mr. *Chichester Fortescue.*] When you speak of the general opinion, you mean the popular opinion?—Yes. So far from its being the case that all the bishops but two conformed, it is much nearer the truth to say that none of the bishops except two conformed, and those two were the Archbishop of Dublin and the Bishop of Leighlin. The latter bishop happened to be in England at the particular time and took the oath of abjuration, and made a very humble submission at Greenwich, most probably under the pressure of the position in which he was placed. However, when he afterwards appeared in his bishoprick, he seems to have receded from his position as a reformed bishop, and his name was struck out from the Ecclesiastical Commission upon which he was placed. I consider that the effect of the Ecclesiastical Titles Act, if any valid action was given to it, would be to destroy not an intrusive hierarchy, or one of recent creation, but to annihilate a hierarchy which has existed for 1,400 years. It would also have the effect, if carried out, of altering the usual form of Church government in Catholic nations, from that which has existed, and which is always observed, excepting in countries either heathen or where persecution exists. It would have the effect, (besides the annihilating the regular hierarchy) of destroying the Church government of the Roman Catholic Church, and of substituting for it that which is only observed in heathen countries, or where persecution exists; so that it would abolish the hierarchy and would abolish the church government altogether, and that one which has been for such a long time existing in Ireland. A part of the statement which was made, namely, that the bishops all conformed, with the exception of two, who were deprived, is contradicted by the deprivation of several other bishops in the time of Queen Elizabeth, in the years 1561, 1571, and 1585. It happens that 21 out of 26 bishops of that period remained Roman Catholics, and continued in the performance of their episcopal duties. It is said that the number of Catholic Bishops was reduced almost to nothing at certain periods of Irish Church history, but it is not quite true to say so. The Catholic hierarchy always existed in considerable numbers long after the time when Elizabeth came to the throne. In fact, it never was reduced to any very small number, excepting at the period of the Cromwellian persecution; and afterwards its numbers increased. In fact, during the reign of Elizabeth, the bishops whom she introduced seem to have been almost without the performance of episcopal duties. For instance, there were some bishops in that time who never attempted to confer holy orders, but allowed priests who had been ordained by Roman Catholic Bishops to occupy benefices.

915. Mr. *M'Kenna.*] Is it your opinion that if the Ecclesiastical Titles Act was enforced against the present Catholic Bishops in Ireland it would be rendering penal the adoption of the designations of the ancient hierarchy of Ireland?—In effect, it does make the ancient hierarchy penal, but if it were enforced, of course it would destroy it.

916. *Chairman.*] Have you had any, and if any, what opportunities of forming an opinion as to the operation of the Ecclesiastical Titles Act?—I have had considerable opportunities of doing so. I have had extensive correspondence with Roman Catholic bishops at different times upon matters wholly secular, and have found myself puzzled how to address them. To give them in the superscription of a letter the title of "The Most Reverend Archbishop So-and-so," or "The Right Reverend Bishop So-and-so," and in the body of the letter to address them as "your Grace," or "my Lord," seems to be a sort of subterfuge. The people themselves have always been taught to adopt the known titles. I should say that it is a great hindrance to the intercourse of Protestant clergymen with their Roman Catholic neighbours, that they should be under that disadvantage. Our intercourse with the Roman Catholic peasantry is very much hindered by our being obliged in that way to appear to refuse to recognise the actual rank of the clergy of the country.

917. Mr. *Chichester Fortescue.*] You yourself, as a clergyman of the Established Church in Ireland, would be glad to see the actual facts of the case recognised by law, and to see the law respect and recognise the bishops and clergy of the Roman Catholic Church in Ireland?—I should be very glad indeed to do so. There are constantly occasions arising when such recognition would enable people to act kindly towards one another without at all yielding their respective views. Only the other day it was proposed to erect a monument in the burial ground of my parish, in memory of a deceased Roman Catholic Bishop of Meath, and I had some doubts whether the inscription to be put upon it might not contain an infringement of the Ecclesiastical Titles Act, in case the Roman Catholic Bishop was called "Bishop of Meath;" or if there was anything to which the Protestant could take exception. However, I was informed that if the inscription was in latin the law would not be violated.

918. You would probably be of opinion that the question whether the Anglican, or the Roman Catholic Bishop of Meath is properly the bishop whom you ought to recognise, is a purely religious matter arising within the region of the con-

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science, and one with which, according to our present ideas, penal law ought not to deal?—Yes, I consider that the religious aspect would be vastly improved, as regards members of the Anglican faith, if they were put in the same position as members of the Anglican faith are in Scotland; because the assumption of a territorial title by a clergyman with 20 or 30 parishioners, where there are 4,000 or 5,000 Roman Catholics, in my opinion, puts him in a false position, and injures his capabilities for usefulness.

919. Mr. *Howes.*] Can you find anything in the Act of Parliament rendering it illegal to address a Roman Catholic clergyman by any title?—As I understand it, it would be a violation of the spirit of the Act if I addressed the Roman Catholic bishop as the Bishop of Meath, or Cardinal Cullen as Archbishop of Dublin.

920. Do you think that that is the opinion which is generally held in Ireland?—As regards addressing him by his territorial title, I believe that it is the public opinion.

921. At the same time would you be surprised to hear that that opinion was utterly untenable?—I should not be at all surprised to hear that it was not the intention of the framers of the Act, but my opinion would be that it was against the spirit of the Act.

922. Mr. *Chichester Fortescue.*] At all events, I suppose there is no doubt that assigning a territorial diocese to a Roman Catholic bishop is giving a title which the law forbids, and for the use of which the bishop may be prosecuted; and in that sense you think that it is a violation of the spirit of the Act?—Yes, and I should say that it would be an unworthy thing to use a form which the bishop could not assume.

923. Mr. *Howes*] Supposing that it is not illegal to do so, that at once removes all argument in that respect, as regards the Roman Catholic Archbishop of Dublin, or any other bishop?—I believe that it would remove the illegality, and I should think that the inconvenience would arise more from the feelings of the members of the Anglican faith than from the carrying out of the law; I do not apprehend that any legal proceedings could be taken.

Friday, 26th July 1867.

MEMBERS PRESENT:

Mr. Attorney General for Ireland.	The Judge Advocate.
Lord Frederick Cavendish.	Mr. MacEvoy.
Mr. Chichester Fortescue.	Mr. Paull.
Mr. Gregory.	Mr. Walpole.

EDWARD MacEVOY, Esq., IN THE CHAIR.

The Right Rev. WILLIAM BERNARD ULLATHORNE, D.D., called in; and Examined.

Right Rev. *W. B. Ullathorne*, D.D.

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924. *Chairman.*] You were formerly one of the vicars apostolic of the Roman Catholic Church, and still occupy a high position in that communion?—I was vicar apostolic of the western district of England from the year 1846 to the year 1848, and by translation vicar apostolic of the central district from the year 1848 till towards the end of the year 1850.

925. What is the position of vicar apostolic?—The vicar apostolic is the vicar of the Pope. Where there is no hierarchy and no ordinary bishop, the Pope is universal bishop; he is bishop of all such provinces and all such parts of the world, and as such, if there are Catholics there, he must provide for their spiritual necessities in one way or the other. As our ancient hierarchy died out under a most severe pressure of persecution, and could not be revived, there was a necessity for providing for the spiritual wants of the Catholics of England. The consequence was that at first, as I believe you are fully aware from the evidence of Mr. Harting and others, there were appointed arch-priests, and after that, in the year 1623, there was appointed a vicar apostolic. Now the office of a vicar apostolic is essentially a delegated office; he is the vicar of the Pope, and he has such power as the Pope thinks it expedient to give him, and that is very clearly expressed in the documents appointing those vicars apostolic. For example, in the appointment by Innocent the Eleventh, of four vicars apostolic of England, in the year 1688, it is stated in the document (I have the Latin before me) that they are appointed for the solace of souls and the spiritual good of the faithful Catholics existing in the Kingdom of England, or those who may at any time exist; but they are appointed "*Ad nostrum et sedis apostolicæ beneplacitum*," at the good will of the Pope for the time being, and of the Holy See; that is to say of his successors. They are endowed with all the ordinary authority ("*juribus*" is the word) which was formerly given to the arch-priests deputed to England, and they use, moreover, the powers which an ordinary uses in his diocese.

926. Mr. *Walpole.*] Will you read the Latin of these words?—"*Ad solatium animarum, et spirituale bonum Christifidelium Catholicorum in Regno Angliæ existentium sive quos pro tempore ibi existere contingerit, ad nostrum et sedis Apostolicæ beneplacitum omnibus et singulis juribus olim Archypresbyteris Angliæ deputatis, nec non quibus ordinarii in suis Diœcesibus utuntur.*" These words are extracted from the document of appointment, of which I can give in a copy if the Committee desire it.

927. The document which you have read, I think, refers to the two sets of powers, one the powers which have been vested in the arch-priest, and the other, the powers which have been vested in the bishop?—Yes.

928. By those latter words, were the powers superadded, and were they something more than the arch-priest before possessed?—Yes; because the arch-priests simply had certain powers given them as vicars of the Pope, being priests; but inasmuch as the vicars apostolic were bishops *in partibus*, having their see in another country, they were endowed with the powers which an ordinary uses in his diocese; but at the same time, to prevent any misconception as to the sense of those words, I may observe that, when Bishop Smith, the second of the bishops was appointed, the President General of the English Benedictines declared, that he submitted to the bishop as the appointed ordinary for England the congregation of Propaganda, issued a declaration which is to be found in Dodd's History, stating that he received powers as of an ordinary; they were not ordinaries, but they were invested with the powers of an ordinary. These powers, of course, gave them every facility for putting in force such common law, or canon of the church, as was adaptable and expedient in the government of their districts.

929. Did not it give all the powers of a bishop to the ordinaries so appointed, they taking their title from some other country?—It did not give all the powers which a bishop would exercise in a constituted hierarchy; it could not possibly do so.

930. Will you explain what episcopal power it could not give?—It could not give the episcopal power, for instance, of acting synodically with efficacy even as to a diocesan synod. A vicar apostolic can hold a diocesan synod, but there is no chapter to give its counsel on the decrees, and therefore it would not have very great weight; it would simply be considered by the clergy as an arbitrary act of the vicar apostolic himself; it would not have the weight of legislating which is derived from the whole force of a provincial synod in which there are not only the bishops of the province, but delegates from the chapters of each see, theologians who are chosen by each bishop, and other officials, who constitute

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stitute a large body. Though the bishops give the deciding voice, those clergy who constitute between twice and three times the number of the bishops, discuss the whole question with entire freedom, and they discuss it frequently, so that it goes through an entire sifting through the leading clergy of the country, who give their lights to the bishops before they give their decision; and such a law has a very great deal of weight; it has the weight which is derived from the whole of the ecclesiastical body in the province; whereas, in the case of a diocesan synod, if a bishop simply acts as vicar apostolic he certainly cannot have a chapter, because that would imply a permanent power, whereas his power may be withdrawn at any time; and that being the case, his legislation would have no weight at all, it would be simply his own arbitrary opinion; and the clergy, trained in theology and in the principles of the canon law, are extremely skilful in distinguishing the weight and force of the legislation which is brought before them.

931. Am I to understand you to say that the distinction between the power of a vicar apostolic and the power of a bishop in ordinary is, that in the latter case there is a power of legislation and of acting synodically, while in the former case there is not?—Yes; that is one distinction.

932. Is there any other case in which a distinction can be taken between the functions?—Yes, there are several; and perhaps the best way in which I could explain them would be to quote from our great canonists; they draw a distinction under three or four heads in this matter. In the first place Barbosa, a very great authority as a canonist, observes that the first quality of ordinary jurisdiction is, that he who receives the jurisdiction becomes invested by the law itself. It necessarily follows that the moment that a person is appointed to that jurisdiction he becomes invested with all the powers which are conferred by the common law of the church, and being invested with those powers they continue, and as Barbosa observes, "*Jurisdictio ordinaria, mortuo concedente permanet.*" Ordinary jurisdiction abides even after the death of him who has granted it. "*Jurisdictio delegata*" (such as that of vicar apostolic), "*re integra, morte delegantis finitur.*"

933. In other words, there is not a complete succession?—That is one of the qualities; another quality is that ordinary jurisdiction is "*ad universalitatem causarum,*" it extends to all causes within the limit or sphere of his jurisdiction.

934. What do you mean by "all causes"?—It means all ecclesiastical causes which arise within the sphere of his jurisdiction.

935. Does not that imply a court?—There I must draw a distinction; it would imply an external court in a country where the State allowed such courts to exist, and where the State gave them its own support. In this country we are stopped *in limine*, from holding external courts, because, for example, we cannot administer an oath, and there are various other causes why we cannot hold external courts *in formâ* in this country.

936. Is not that entirely independent of the question whether the bishop takes a title or not; as I understand you, he cannot hold a court because he has not the power, by the law of this country, either of administering an oath, or of acting in a judicial manner?—An external court implies an external apparatus, and that apparatus generally supposes either a permission by the State, or such a sanction of the State as arises from the union of Church and State; as for example, in Catholic countries, where there has always been a combination and a mutual support of jurisdiction, the State by the Church, and the Church by the State.

937. But whether a Roman Catholic bishop had a territorial title or not, as the laws of this country now stand, there would be nothing to empower him to hold an external court?—Certainly; we hold no external courts, and we do not calculate at present upon holding external courts.

938. Is the question of an external court affected by the Ecclesiastical Titles Act?—I do not see how the Ecclesiastical Titles Act has anything to do with the matter; it appears to me to bear upon altogether other questions; it bears upon the use of certain documents, and upon the use of certain titles.

939. Is there any other distinction between vicars apostolic and bishops in ordinary which you can point out?—There is a third element which enters into the definition of ordinary jurisdiction, namely, that it should be certain as to the cause; I am now quoting Fagnanus, a Canonist of very great eminence, who practised the canon law in Rome, where the canon law is most practised; he says, "*Debet esse certa quantum ad causas et quantum ad territorium,*" but then he explains that territory afterwards; then he goes on to say "*aliter esset vaga et incerta, et nesciret episcopus super quos extenderet.*" Then he goes on to explain the term, "*territorium*;" he says, "*Jurisdictio ordinaria et universalis adhæret territorio et ab illius finibus circumscribitur, et terminatur.*" He there points out that it is not the territory, not the land, but that it is a certain boundary circumscribed upon the land, which of course is a mathematical line, and has no substance; and he gives a further illustration by adding, "*Est super territorium prout nebula super paludem;*" it does not take hold of the territory, but it is correlative with the territory; he adds, "*Et se extendit super omnes subditos intra sicut nebula super paludem.*" His object is to show, what may be also shown from other canonical sources, that the ecclesiastical jurisdiction, as such, does not take hold of the territory; but that it is correlative with the territory. In fact jurisdiction may be taken in two senses, in a subjective and in an objective sense. We may speak of jurisdiction as the sphere in which it is exercised, and the object on which it is exercised; and we may speak of it subjectively as the power which is exercised by him who holds the jurisdiction; now, to make this matter more clear, it is well to read extracts from other of the canonists. Benedict the Fourteenth, the very greatest of our canonists, observes in his great work on Diocesan Synods, that it is, "*Potestas super clerum et populum intra certos limites*;" and, again he observes, that it is a power over the flock spread over the land. Thus the jurisdiction which a bishop would exercise is over the flock, over the churches which are consecrated to God, and which, therefore, become a sacred thing, and over those temporalities which are simply the support of the clergy, the donations of the faithful for the worship of God; and it is particularly observed that the church on earth consists of souls, and Benedict the Fourteenth observes, not of souls merely,

merely, because you cannot, in this world, separate souls from bodies, and, therefore, the jurisdiction is over the whole man when he is subject to the church.

940. That would be a jurisdiction over every person, whether he belonged to your church or not?—Certainly not; but here it is necessary that I should draw a distinction, lest I should be misunderstood. In the apostolic letters appointing the vicars apostolic, it is expressly observed that the vicars apostolic are appointed over the Catholic people, over the Catholic flock: that term runs through all these documents, and I have already read a passage from the document constituting the four vicars apostolic in 1688. But the very same language runs through the whole of the Apostolical Letter constituting the hierarchy, and a careful study of that document will show that Catholics, and only Catholics, are contemplated in the jurisdiction which is given.

941. Upon this point we are considering the distinction between a vicar apostolic and a bishop in ordinary, and you were giving us a third distinction?—Yes.

942. Was not that third distinction that the jurisdiction was within the territory over which the bishop was appointed?—It extends over the flock upon the territory.

943. Would not the same authority, if given to a vicar apostolic, equally extend over all the flock within the district for which the vicar apostolic was appointed?—Yes; but it is a totally different authority, and it puts the bishop in a totally different position.

944. Will you explain that?—I have done so shortly already, and I may explain further, that while a vicar apostolic has ecclesiastical authority over all the Catholics within the sphere of his jurisdiction, he has it in a form which, in the first place, is precarious and revocable, and therefore he cannot constitute any set and abiding form of laws.

945. Those two are your first and second distinctions; what is your third distinction?—The third is that an ordinary bishop exercises jurisdiction *jure proprio*, a vicar *jure alterius*; it flows into the others, and it is inexplicable without them; they are in fact all one, it is one subject simply distinguished for the sake of dissertation and clearness.

946. Is there any fourth distinction?—I do not know any fourth distinction which is not included in those terms.

947. Then am I not right in stating that the real distinction between an ordinary bishop and a vicar apostolic is, firstly, as to legislation, and, secondly, as to synodical action?—Yes; and, thirdly, as to the amount of jurisdiction which a vicar apostolic employs, because his jurisdiction is liable at any time to be altered; it is not the ordinary authority of the church.

948. Does not that distinction rather refer to the extent of his authority, and the limitation which might be put upon it than to anything in the authority itself, which would be distinguishable in the two cases?—His authority is precisely that which is given in his appointment; he receives certain documents, one document appoints him, and the other document describes the amount of power which he possesses, and it may be altered, and has been frequently altered, and various documents have been issued at various times modifying the powers of vicars apostolic in England; but there are certain other ways in which they have been modified. There were several other parties having powers independent of the vicars apostolic, and which were directly derived from the supreme authority, and one of the difficulties which arose in the case of the archpriests was that there was a constant clashing of powers; and Benedict the Fourteenth drew up a very celebrated apostolic letter, in which he regulated the matter. But, in the course of time, things had so completely changed that it was no longer competent to render the administration to the church efficient in this country. Cardinal Wiseman has drawn this out very clearly in the first and second pages of the introduction to his "Appeal to the People of England" He says, "The main ground set forth for the necessity or expediency of having an ecclesiastical hierarchy, was as follows: It was observed that until now, the only regulation or code of government possessed by the English Catholics was the constitution of Pope Benedict the Fourteenth, which begins '*Apostolicum Ministerium*,' and which was issued in 1743, a hundred years ago. Now this constitution had grown obsolete by the very length of time, and still more by happy change of circumstances. It was based upon the following considerations: first, that the Catholics were still under the pressure of heavy penal laws, and enjoyed no liberty of conscience; second, that all their colleges for ecclesiastical education were situated abroad; third, that the religious orders had no houses in England; fourth, that there was nothing approaching to a parochial division, but that most Catholic places of worship were the private chapels, and their incumbents the chaplains of noblemen and gentlemen. There are other similar suppositions in that document, full as it is of wisdom, which, thank God, at the present time appear as simple anachronisms. It was argued, therefore, that, virtually, this, the only great constitution existing for Catholic England, part even of which had been already formally repealed by the late Pope, was rather a clog and an embarrassment than a guide." He is giving the substance of the argument which he and Bishop Sharples used in 1847, to induce the Holy See to grant a hierarchy. He continues: "The Catholic Church in England had so much expanded and consolidated itself since the Emancipation Act, and its parts had so matured their mutual relations, that it could not be carried on without a full and explicit code. The bishops, it was urged, found themselves perplexed, and their situation full of difficulty, as they earnestly desired to be guarded from arbitrary decisions by fixed rules, and yet had none provided for them. The uncertainty, also, of position on the part of the clergy, which resulted from this anomalous state, made it still more painful. Such was the case submitted to the judgment of the Holy See, fully illustrated with practical applications. A remedy was therefore prayed for, and it was suggested that it could only be in one of the two following forms: either the Holy See must issue another and full constitution, which would supply all wants, but which would be necessarily complicated and voluminous, and, as a special provision, would necessarily be temporary; or the real and complete code of the church must be at once extended to the Catholic Church in England, so far as compatible with its social position; and this provision would be final; but, in order to adopt this second and more natural expedient, one condition

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dition was necessary, and that was, the Catholics must have a hierarchy. The canon law is inapplicable under vicars apostolic; and, besides, many points would have to be synodically adjusted, and without a metropolitan and suffragans a provincial synod was out of the question. Such was the main and solid ground on which the hierarchy was humbly solicited by Catholics from the Holy See. It was one that referred to their own internal organisation exclusively." He goes on to say, "Thoughts of aggression never entered the heads of the petitioners or of the petitioned; nor were the bishops moved by stupid ideas of rivalry with the Established Church, in what forms its weakness, nor any absurd defiance of national prejudices." In addition to that, I may observe that there had been many petitions sent to the Holy See from England both by clergy, laity, and bishops. In the year 1834, for instance, a petition was sent by the bishops; in the year 1839 a petition was sent from the laity and the clergy, I believe (I think that the clergy also were included), in which they petitioned that they, at all events, might have an increase of vicars apostolic and the appointment of chapters; they naturally looked to chapters as a means of regulating the episcopal power, but then they were not aware of the fact that they could not have chapters under vicars apostolic; and it is very obvious why, namely, that the subordinate power would be permanent, whilst the superior power was simply *ad beneplacitum;* not only so, but very serious evils existed amongst us; bishops acted to a great extent in their districts without the guidance of law, and the result was that there were many appeals from the clergy to Rome against the bishops, and many statements made against the vicars apostolic which made the position of the vicars apostolic extremely uncomfortable. It was in consequence of that state of things that the bishops requested Cardinal (then Bishop) Wiseman and Bishop Sharples to go to Rome, and to make a full representation of these circumstances; and after discussion, it was determined that the only remedy was to establish a hierarchy; and it is a remarkable fact that since that time we have scarcely had such a thing as appeals from the clergy to Rome. It completely tranquilised the Catholic body. It enabled us at once to draw up a code of laws adapted to the peculiar circumstances of the country, drawing them from the common law; but, at the same time, it was adapted to our peculiar circumstances, and in some cases it even overrode the common law in order to meet the circumstances of the country, the express authority of the Holy See sanctioning us in doing so, and thus a perfectly new state of things resulted, and complete tranquillity arose in the Catholic body, which has not been disturbed since.

949. Could not that code of laws, or regulations equivalent to that code of laws, have been given without conferring territorial titles upon the bishops?—You must allow me to say plainly that I do not admit the term "Territorial Titles." I do not admit, for instance, that bishops have territorial titles in the same way in which vicars apostolic have territorial titles; vicars apostolic have territorial titles, and bishops have local titles.

950. Could not the Pope have given the power of making the same code of laws, or, at any rate, similar regulations to the bishops of your church, without conferring on those bishops a local title taken from a place in this country?—In the first place, vicars apostolic who, in reality, have territorial titles, could not unite to legislate, or to suggest to the sovereign pontiff, except by his direction, because they are all vicars of one bishop, and they have no local head; then again, you would have legislation from Rome, and not from England, and you would have this result, that it could not possibly be drawn up with the same knowledge of the exigencies of the country as legislation drawn up by the united action of the bishops and their leading clergy in a synod; thus we have now a code of law drawn up by ourselves in the locality by those who feel the want of the locality.

951. The observation which you have just made seems to refer to what you have so well put before the Committee in an antecedent portion of your evidence, namely, that you could not act synodically; but my question is, whether, assuming that the bishops here represented to the Court of Rome, that they wished to have certain laws by which they should be governed here, that power could not be given to the vicars apostolic without creating bishops in ordinary, with titles derived from the locality?—Of course it could have been done, emanating directly from the Pope, but it would have been inefficient in many ways, and would not have met our difficulties. The Pope, of course, could have drawn up another document, but that document would have been very inefficient.

952. Is there any other distinction between the bishops in ordinary and the vicars apostolic?—I do not know that I could suggest any other distinction which is not involved in those distinctions which I have mentioned.

953. *Chairman.*] Were you engaged in arranging the plan for the establishment of the hierarchy?—Yes, I was delegated in the year 1848 by my brother vicars apostolic in England, to negotiate the whole affair at Rome. I was engaged in the entire negotiation in the year 1848 when the document was completed, although when promulgated in 1850 it underwent some very slight modifications, modifications of no real importance.

954. Was the scheme which you arranged carried into effect in 1850?—Yes; it is a perfectly well-known fact that it was carried out. There is one thing which perhaps you might wish me to mention, namely, the extreme delicacy with which the Holy See acted in the whole of that affair. In the first place, the application came from England; in the next place, it was completely forced by England upon the Holy See; in the next place, it was found to be the only way of meeting the question; not only did I draw up the whole of the memorandums, assisted by one clergyman, now a bishop, but I had very peculiar advantages. They were so anxious to avoid English susceptibility, and to avoid any collision with English law, that I was not only called upon to assist one of the cardinals in his preparatory council, but they went one step further, and they judged it expedient that I should be called in to the congregation of cardinals, and should take part in the discussion there, which I believe is contrary to all precedent. On the first occasion, I was out of the way, but on the second occasion I was present, and I witnessed the whole discussion,

discussion, which finally settled all but one point; and the one feeling of solicitude which occupied the minds of the cardinals was, to avoid in every way conflict with the laws of England, or the susceptibility of England. I undertook to pledge on the part of the bishops of England, that no law should be violated, and the very fact of an *ex post facto* law having been passed, proved, I think, that I was justified in giving that pledge; and moreover, I felt satisfied that there would not be any real difficulty in England, for certain reasons which I shall mention. In the first place, I had something to do with drawing up the hierarchy in Australia, which preceded our own; and as the bishops and clergy there, were established by the State, on the very same footing as the Anglican Church, and the Church of Scotland, by the very same Act of Council; and as therefore they were in the receipt of incomes from the State, Bishop Polding, now Archbishop Polding, thought it expedient to say a word on the subject at the Colonial Office before anything was carried out; he saw Mr. Stephen, the then Under Secretary, and what Mr. Stephen said, was this, "Do whatever you like among yourselves, but do not bring it to us." Cardinal Wiseman mentions in his "Appeal" that when there was a question of establishing a hierarchy in Canada, he likewise saw the Under Secretary for the Colonies of that time, and he said, "I do not see any difficulty, but I will speak to my principal." He saw him afterwards, and he said, "Do what you like, but do not come to us." We also know that many distinguished statesmen in England, I believe Mr. Pitt amongst others, had continually expressed their wish to see a hierarchy in England, because it was more consistent with the genius of the Constitution, and because it would establish a church limiting the action of the Pope in England; and one of the great results of a hierarchy is, that it limits the action of the Pope in England, and expands the action of the bishops. The only question with regard to which there was any special anxiety was the question of titles. I drew up a scheme of titles, and that scheme was very carefully and well discussed. I was present at the last discussion on the subject, and I was a witness of the extreme solicitude to avoid in any manner the law of England, or interfering in any way with the State Establishment. Although I conceived that I had drawn up a scheme which carefully avoided the clause in the Emancipation Act, prohibiting the titles of Anglican bishops or deans in the establishment being taken by Catholic dignitaries, they were still solicitous on the subject, and finally it was the real cause which interrupted the promulgation of the hierarchy in 1848. They said, "We should like that every bishop should give his own opinion on his own title." I therefore came back to England, and each bishop wrote his own opinion on his own title. I mention this to show that all this was done by Englishmen, and also to point out the very great solicitude which there was to avoid all English susceptibilities.

955. Mr. *Walpole.*] When you say that it "was done by Englishmen," what do you mean?—It was originated by the bishops, as it was a matter of spiritual authority. At the same time there was the fullest concurrence of the laity; and I have a document of the very greatest importance, namely, the declaration of the Catholic laity of England, made at the time when the legislation was in progress; I do not know by how many it was signed, but it originated in a meeting of the Catholic nobility and gentry in England, and it was very extensively signed. I find again that there is an address to Her Majesty, signed by 400,000 Catholics, which expresses very much the same sentiment. But that document shows how the Catholic laity entered into and accepted the whole arrangement made by their bishops.

956. What is that document?—It is a declaration of the Catholic laity of England.

957. Mr. *Chichester Fortescue.*] At what period was it made?—It would be in the course of the year 1851.

958. Mr. *Walpole.*] What are the points in that document?—First, "We declare, that according to the principles and doctrines of our holy religion, the Bishop of Rome is the chief pastor and ruler of the church, and the supreme earthly head thereof: and that an essential part of this supremacy consists in his right of conferring spiritual and ecclesiastical jurisdiction on the bishops of the church; and of assigning to them portions of territory, called dioceses, as the limits within which such jurisdiction shall be exercised; and of appointing each bishop to an episcopal chair, or see, within such diocese, as the seat of the spiritual and ecclesiastical government of the church, or body of the faithful, within such diocese; thereby authorising each bishop to designate himself as (that which in fact he is) the bishop of such see, and to assume and use the title thereof, by which his place, and rank, and office in the Catholic Church, and among its pastors, may be known and recognised. And we further declare that this right belongs to the Bishop of Rome in his spiritual and ecclesiastical character, as successor of the blessed Apostle St. Peter, and is in no wise connected with or dependent upon his character as a temporal prince: and we declare that, as the power thus exercised by the holy father is of a spiritual and ecclesiastical nature, so the power imparted to the bishops, the jurisdiction given, and the sees and titles granted to them, are purely spiritual and ecclesiastical, and confer no temporal rank, precedency, or dignity whatever."

959. It must have been a declaration made subsequently to the Pope's Bull?—Yes; it is subsequent.

960. Mr. *Paull.*] Is that the language of the laity?—This is the language of the laity. In their second declaration they say, "We declare that in some countries, and in our own before the change of religion in the 16th century, where, by the law of the land, temporal possessions and offices, and civil power, rank, and dignity, were annexed to the episcopal function (so that on the appointment of a bishop he contracted new temporal obligations to the sovereign, and acquired a civil status different from other subjects), both the State and the Church did claim an interest in, and exercise a power over, the bishops and sees of the church; forasmuch as acts done or changes made in their regard did then, by the law of the land, directly affect the temporalities of the realm; but we declare that the State never did, at any time or in any country, possess the right to interfere with the appointment, jurisdiction, see, or title of a bishop, as bishop of the church, or on account of his spiritual or ecclesiastical

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siastical character and office, but solely on account of the temporal privileges and duties which by law had been annexed to the episcopacy; and therefore we declare that, since there is no analogy between such cases and the present, inasmuch as our bishops have acquired by their appointment no new civil status, and possess, as diocesan bishops, no temporal privilege, power, or pre-eminence whatsoever, the arguments founded on this false analogy, by which the threatened interference is sought to be justified, are of no weight whatever, and have no real bearing on the question." Then there is a declaration "that the recent change in our ecclesiastical system, useful and desirable as it was, with regard to Catholics, did not in the slightest degree injure or affect our Protestant fellow-countrymen, or operate any change in their relations with Catholics." Then they say, "We declare that the recent creation of our Catholic hierarchy has not in any way impaired or affected the civil or temporal supremacy of Her Most Gracious Majesty, or lessened in any way the dependence of Her Majesty's subjects, whether Catholic or Protestant, on Her Majesty's courts of justice, or introduced any rule or law, or code of laws, affecting any rights or properties whatsoever in contravention of, or in derogation from, the laws of the land." There is one short declaration further, which I think is important, and that is the sentiment of the Catholics with regard to the hierarchy itself: "We declare that the government of the Catholic Church, though a regularly constituted hierarchy of diocesan bishops, is the only normal and perfect condition of the Catholic body. The government by vicars apostolic we assert to be abnormal and provisional, and to owe its origin amongst us as solely to the religious persecution which so long disgraced the country. We declare that it was never established except from necessity, or meant to be continued after circumstances should permit a return to the ordinary form of government."

961. Mr. *Walpole.*] You have not read, I think, anything on the point upon which you were giving information to the Committee, namely, as to taking local titles derived from places in this country?—May I ask on what particular side of this case you would wish me to give information?

962. Is there anything in that document which shows that the Roman Catholic laity in this country approved of the assumption of local titles derived from places in this country?—It is implied in the whole document.

963. But there is nothing specific upon that point?—It is contained in the first declaration I have read.

964. Mr. *Chichester Fortescue.*] Is it the case that the use of diocesan titles is an essential incident of the establishment of a regular hierarchy?—It is essential to a regular hierarchy. There can be no hierarchy without local titles. They are titles fixed in a certain locality. A bishop, when he is appointed, is an ordinary bishop; he is not appointed to a province or a district, as he is when made vicar apostolic, which in reality is a territorial title. I can produce, if the Committee wish me to do so, my own brief of nomination as vicar apostolic, and also my own brief of nomination as Bishop of Hetalonia *in partibus;* the first document will show in what district the jurisdiction of vicar existed, and the second will show what is the jurisdiction of an ordinary bishop.

965. Then if you are asked to give up diocesan titles, it is, in effect, asking you to give up dioceses altogether, and asking you to revert to the system of vicars apostolic, or a similar one?—It is asking us to do an impossibility, because the church, being constituted, must go on, even, if necessary, through martyrdom; it never ceases, unless it is destroyed by external force, and the Pope is bound to go on as well as ourselves. A bishop, when once mystically wedded to his church, to use a canonical term, cannot separate himself from it.

966. According to the established use of your terms, to ask you to abandon the use of diocesan titles, is to ask you to give up the canonical system altogether?—Yes; it is impossible. It brings out the doctrine which we find has prevailed throughout the church, and even in Scripture itself, for example, in the Acts of the Apostles, where we find that the Apostles whose power was universal, set diocesan limits in appointing bishops; thus St. Paul appoints Timothy to Ephesus, and Titus to Crete. But the apostolic power centered in its succession, as we teach, in the Holy See. And the moment that that apostolical power is exercised in appointing a bishop, his jurisdiction must be limited, because, if not, there would be two Popes, and they would have universal jurisdiction. It is the locality which limits the jurisdiction. The bishop has his powers by his consecration, but has no flock upon which to exercise his powers, and then the supreme fountain of jurisdiction assigns a flock, and then there is a mystical union between the bishop and his flock, which cannot be separated. But the moment that you take away local titles, you establish a universal bishop.

967. Then I understand you to mean that the maintenance of the diocesan system, and consequently of diocesan titles is now a matter of conscience with the Roman Catholics of this country?—It is essentially a matter of conscience.

968. *Chairman.*] The institution of the hierarchy regarded only the internal organisation of the Roman Catholic Church in this country?—Yes; and so clearly was that put forward at the time, that I think that it was only the extraordinary excitement which was raised up, which could possibly have prevented thinking men from seeing the explanations which were put forth. I, myself, put that matter forth in two letters which were addressed to the "Times," and I may observe, that they were translated on fly sheets, and were circulated in Rome; perhaps it would be well that I should read some passages from those letters.

969. The institution of the hierarchy regarded only the internal organisation of the Roman Catholic Church in this country?—Yes; that is clearly manifested upon the face of the document, which all through, speaks of Catholics as the objects of the authority given; it is also manifested in sundry documents which were issued at the time, and among others, the letters of which I speak.

970. Mr. *Chichester Fortescue.*] What alteration, if any, did the Bull make in the relations between the Roman Catholics in England and Christians of other denominations?—It made no alteration whatever. Perhaps the only way to make the explanation intelligible would be briefly to state the theory which would illustrate the practice. The theory is, that all baptized Christians,

Christians, who are veritably baptized are, by virtue of their baptism, members of the one true church. According to our doctrine any one may give baptism, even one who is not a Christian may give baptism; one outside may send a person inside the church, and, to use St. Augustine's illustration, a man may take the military oath out of the camp, and even from a deserter; but if he has taken the oath, he is bound to join the camp as soon as he can find the camp, but if he cannot find the camp, he is not bound to do so. This being the case, all those who are baptized are considered as members of the Catholic Church. The church is considered as body and soul. Some persons belong to the body of the church, and some belong to the soul of the church, and some to both. Those who belong to the body of the church are in visible and external communion with her, but yet they may not belong to the soul of the church, if they are not within the grace of God. Some belong to the soul of the church, by having been baptized, and not to the body; if they live according to the lights which they have, if they are in ignorance as to the duty of joining the church, and if they die in the grace of God, they die in the light which God has given them, and they are saved. We consider that they are Catholic members in the soul of the church, although not in the body of the church; but as they are not in the body of the church, they are not practically under the jurisdiction of the bishops of the church. The bishops of the church can only exercise their power over those who are within the visible pale of the church, and who willingly submit themselves to the church.

971. I presume that the church holds that if another person professes to call himself a bishop, within a see already occupied by a bishop of the church, that person is not a true bishop?—It depends entirely upon whether he has true ordination or not. We have never believed in the validity of the Anglican orders, and therefore as a church and proceeding doctrinally, and following the discipline of the church, we could not recognise such persons as having true episcopacy. Therefore all persons who have been ordained by them, when they have entered the church, have invariably been ordained *ab initio*, as if no ordination had ever taken place. That has been our invariable practice, and the practice shows what the judgment of the church has been on the subject. That being the case, we do not conceive that we have anything to do with other persons calling themselves bishops, or that they have anything to do with us. Of course the courtesies of society, and the high position which they hold in the country, and the recognition by their own flocks, would always lead us to treat them with every courtesy, and to give them their titles; but when it comes to a doctrinal or canonical question, we do not admit their ordination, and we do not consider that we have any relation with each other as bishops. We have nothing to do with the Anglican establishment in any way whatever.

972. Am I right in taking your opinion to be, that whatever judgment your church may pass upon the status of a bishop not belonging to your church, or whatever claims your church may make upon the inhabitants of one of your dioceses who do not conform to your church, such claims are of a purely spiritual and religious nature?—They are of a purely spiritual and religious nature; of course we should recognise the social status, and the political status of persons called bishops not belonging to our church; we should give them the courtesy due to them as being considered the bishops of their communion by their own communion, but when it comes practically to a question of doctrinal or canon law, if, for example, a person comes to us and says, "I am a clergyman already, I wish you to receive me into your church, but I am quite satisfied with my own ordination," we cannot admit that ordination as valid; I have had such cases as that; I particularly recall the cases of two clergymen who thought that they had been validly ordained; that difficulty was surmounted, but as long as that difficulty remained, of course it would be utterly impossible to admit them as clergymen until they had been ordained *ab initio*. There is one point which I ought to mention with regard to the relation between Catholics and non-Catholics, and that is, that when a person who is a non-Catholic comes to me and asks to be received into the Catholic Church, if I find, on inquiry, that he has been duly baptized, I admit his baptism, and admitting his baptism, I at once have no difficulty in receiving him into the church without administering to him any baptism whatever, and thus I recognise a baptism which, though performed out of the church, is a perfectly valid baptism, and, to use the language of St. Augustine, has been performed, not by the mother as it were, but *per ancillas*.

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973. Mr. *Walpole.*] You do not admit an ordination out of your own church?—Not those of the Anglican Church.

974. Nor a consecration?—No.

975. Then you would probably agree with what Mr. Hope Scott has said here, namely, that the claim of your church to appoint different bishops in England is a negation of the Church of England?—It is essentially a negation of the Church of England; but with relation to the question of the appointment to sees in the Church of England; I do not see any connection between the two questions; we must act as if that did not exist.

976. If it amount to a negation of the Church of England, is it quite consistent with the declaration of the Relief Act that the United Church of England in Ireland is permanently established in this country?—That is simply an Act of Parliament, probably passed by those who were chiefly members of the Church of England, the Catholics had nothing to do with it.

977. Can you reconcile your view of the case with the recognition in an Act of Parliament of the Established Church?—We recognise the existence of an establishment which is believed by its own members to have a valid ordination, and to be the true church, but we do not believe it ourselves.

978. But you deny the ordination of the ministry, and deny the consecration of the bishops; and therefore, according to your view, you deny that there is any apostolical succession in the Church of England; you in those denials deny the existence of all the sees in England of the Anglican Church?—We simply have nothing to do with them; we have never to treat the question except in the case of a person coming to us, and then there is the question whether we are to recognise the orders.

979. At any rate, in that state of things, you say that you have nothing to do with them?—Yes.

980. That

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980. That implies that there is a blank in England which you can fill up by the appointment of bishops to different sees, which we say are occupied by other bishops?—Not at all; the document which appoints the hierarchy simply arranges matters between ourselves; it is a reconstruction upon the old vicariates; and it is a remarkable fact that the first vicariates were divided by a nuncio in England; you will there find how the bishops were first appointed, and it is there declared that a division of boundaries is to be made by the then nuncio at the English Court; the re-division was the division of four into eight; and upon the face of the document appointing the hierarchy it is a subdivision of the vicariates as they existed, and in doing that we simply acted within ourselves, without any thought whatever of the Anglican establishment; we simply acted as if it were non-existing.

981. Supposing that you could look at it with other eyes, as an existing church, with bishops presiding over it, would you not recognise the rule of the Universal Church, that no bishop ought to intrude himself into the see of a bishop so existing?—No Catholic bishop can intrude himself into the see of another Catholic bishop.

982. Consequently, the non-recognition of the Anglican bishops of the United Church of England and Ireland, implies that you deny their existence altogether?—Precisely so; we deny their existence in every way, but that denial is simply because we consider that the Anglican Church, as a church based upon valid orders, is not existent.

983. Mr. *Chichester Fortescue.*] In your opinion, this is a question of an absolutely theological character?—Precisely so; it has nothing whatever to do with the appointments of Her Majesty the Queen, or with Acts of Parliament, or with anything of that sort; it is a purely spritual act amongst Catholics, and within the Catholic Church.

984. Mr. *Walpole.*] You regard it entirely as a spiritual act which does not attempt to interfere with the Crown's supremacy, or with the rights of the Crown, or with the Church of England, independently of that consideration?—We do not interfere with any supremacy claimed by the Crown of a spiritual nature over the establishment.

985. But might not the people of England, and might not the Crown of England, and might not the Church of England, according to your own premises, take a totally different view, and say, "This an invasion of our rights"?—I do not see how we can invade that which we take no notice of.

986. Might not the people of England and the Church of England, and the Crown of England, in looking at the matter from your point of view, according to your own premises, justly regard it as an invasion of their rights?—They may regard us so, and they have regarded us so, but it is an entirely erroneous view.

987. Mr. *Paull.*] Was the proceeding intended to fill up a blank?—It was simply intended to provide the Catholics with their ordinary spiritual advantages. The whole document on the face of it implies the act is amongst Catholics, and only amongst Catholics.

988. Was not there an impression in Ireland, both with priest and deacon, that there was an intention positively and openly to establish a hierarchy here?—Of course to establish a hierarchy in the Catholic body.

989. To fill up a blank which in your judgment existed?—To fill up a blank which existed in the Catholic Church.

990. Does not it deny the headship of the sovereign over the church in her own country?—Not in any manner, because the Emancipation Act, and all those Acts which gave freedom to the Catholics, and the oaths imposed upon Catholics, exempted them from in any manner paying any attention whatsoever to the spiritual supremacy of the sovereign, which is a totally different thing from any other. The temporal and the spiritual jurisdictions were before distinct; they were united in the time of Henry the Eighth, he took the papal supremacy, and joined it to his own prerogative; but before any legislation of that character, they were always recognised as separate, and the canonists distinguished between temporal and spiritual jurisdiction. I have, for instance, a passage from a well-known and celebrated canonist, namely, Ferraris; he observes, that "jurisdiction is divided into ecclesiastical and civil; ecclesiastical jurisdiction is that which embraces such causes as concern God's worship and the spiritual health of souls. Civil or political jurisdiction is that which embraces secular and profane causes, and looks to the temporal government of the commonwealth." Now we Catholics have been allowed, since the Emancipation Act, to separate between the Queen's supremacy and her temporal supremacy.

991. Although you confine it entirely to an ecclesiastical jurisdiction, has it not something to do with the ordinary temporal matters when questions of bequests, and of gifts of ordinary kinds to the church, arise?—In that case we are peculiarly circumstanced in England. In a Catholic country, there is generally a mutual support, and a mutual co-operation between Church and State, and the authority of each supports the other; and in these cases external courts are allowed, and so on. But in England it is different, although we have a certain authority which even the State accords in its transactions with us. It allows that there is a certain control exercised by the Catholic bishop over temporalities. For instance, in the case of churches, which by their consecration become sacred, and the oblations which are made for the worship of God, they of course change their character. The bishops necessarily exercise a certain regulation, but that regulation is provided for in the Trust Acts, and the property is invariably regulated by the trust laws and by the laws concerning our charitable bequests, and in fact the State regulates our control in every way; but then the State has always been prepared to admit, in some form or another, the influence of the bishop, and a certain power in him. For instance, a clergyman is placed in a district. Suppose that his flock make great complaints against that clergyman, and that, on investigating the matter, I find him to be an unfit and incompetent person for that place, and that I withdraw his powers; there are bye-laws by which we regulate these things.

992. I believe that the State has been desirous of discouraging the accumulation of property in the church?—Yes; the State has many times done so.

993. And that is the policy not only of this State,

State, but of other kingdoms also?—Yes, and especially in recent times.

994. Is it not the policy of the Roman Catholic Church to inculcate as a good work the alienation of property either while the possessor of it is in good health, or when he is *in extremis*, from temporal purposes to church purposes?—To the extent for which the church requires it for the maintenance of divine worship, and for the pastoral care only, not to inculcate it in any way which is illegal and improper. For example, when there has been a disposition to leave money to me, when I have thought that there were children and others entitled to it, I have repeatedly opposed such a dispensation where I have thought that it was not just to the family; and that would be the feeling of any bishop. That is all provided for by the law of the church; we have to observe the natural law and the civil law; we have to inculcate obedience to the civil law where it does not conflict with the divine law; and, further, we have to observe the requirements of the divine law.

995. Do you think that, in a very large part of the country, that feeling would prevail in other minds as it would in your own?—In all great bodies abuses will arise, and when they arise in the church, the church looks to it, and also the State. In this country there is not that danger, because the policy of the law guards against it.

996. Has not the policy of your church, at all events, been to obtain as much of the temporalities and the property of the laity for the church as by any reasonable means it could acquire?—Put in that way, I think that the assertion is too strong; I do not think that that has been the spirit. There are two classes of literature on that subject, and they are written in a very different spirit; and the literature of this country is thoroughly imbued with a feeling against the Catholic Church, which tends to exaggerate every abuse which has ever arisen in the church, and to generalise those things which have arisen in particular places.

997. But it is an abuse which has resulted in a very large accumulated property to the church?—It has been so in certain cases, but I do not think that it is a strict explanation of the matter to say that it has arisen in legacies and bequests, and so on; it has arisen in a great extent from what took place in the Middle Ages, when the great proprietors of the land established churches and charitable institutions, and gave large amounts of land, or gave sites for the purpose, and property has accumulated in that manner in the Catholic Church by the changes in the value of property, as it has accumulated in the Church of England; but I think that it may safely be said that in no country has any church been so rich as the Church of England; and I think that the Catholic Church, in any part of the world, may stand in most fair contrast, in that respect, with the Church of England.

998. I believe that that accumulation has been so great, that even in Roman Catholic countries it has been found expedient to alienate the property?—It has been alienated by the State as a fact.

999. That being found to be expedient from long practice, would you in the abstract recommend that the clergy of the church should be constituted a corporation sole?—I think that it would be a very convenient thing, because the incomes of bishops, for example, and of clergymen, have to go down to their successors; and at present that descent is only effected by exceedingly complicated and difficult instruments, and it requires a very great deal of careful watching to prevent the money being alienated altogether; and the result of this is, that we are in a perpetual state of solicitude, and care, and watchfulness over different documents. There are very few solicitors in England who know the difficulties and complications of the law, and how to make Catholic property secure. Our incomes are exceedingly small; it would perfectly astonish you if you knew the limited incomes upon which the bishops and clergy live; they have to practice self-denial; and what property we have arises more from our own self-denial than from the property given to us. Take, for example, the 21 years that I have been a bishop, the number of charitable bequests given to us is very limited indeed. This being the case, the property may become alienated from flaws in documents drawn up; and from various causes of that sort, we have no permanent security for the descent of property for those charitable and religious purposes for which it is destined by the donor.

1000. How does it come to pass that you recognise baptism out of your church when you do not recognise ordination?—According to our doctrine we recognise all baptism; we recognise that even a Pagan can give baptism if he has the intention of doing what the church does; and if he has the intention of giving Christian baptism, according to our doctrine, even a Pagan, or a person in schism, or any person, may confer baptism; but we consider that that baptism is the real baptism of the church; it is the one sacrament which can be given in that way, and, according, it makes the person baptised, virtually and in theory, a member of the church, although, in fact, he is living out of the church; and, therefore, if he comes to me and I have full proof that his baptism is valid, I accept his baptism as the baptism of the church; that doctrine has been expounded in several treatises as early as the time of St. Augustine; he has one special treatise upon the subject.

1001. Mr. *Chichester Fortescue.*] I suppose that your power of obtaining money from the members of your Church is precisely the same power in kind, as is possessed in this country by the Wesleyan body, or by the free Church of Scotland, who, as we all know, have obtained very large sums for their religious purposes?—It is precisely the same; we are placed on the same footing under the Charitable Bequests Act.

1002. Then if money is given to you, you consider that you are as well entitled to obtain it, and to enjoy it, as those other bodies?—Certainly so.

1003. Or even as the clergy of the Anglican Church?—Quite so.

1004. Has the passage of the Act of 1851, which we are discussing, here diminished, or had any tendency whatever to diminish your power to obtain contributions?—That Act does not affect that point in any manner whatsoever, except in so far as this, that Catholics would naturally feel more confidence in a system where the holders of the property were succeeded by others, and

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and where there was a fixed state of things, and would be more inclined to support that state of things, but except that kind of moral influence which is of a very general character, I do not see in any way whatsoever how our temporalities are affected by the change.

1005. *Chairman.*] Under what circumstances do you think that the law of the land can be applied in support of the rules of the Roman Catholic Church?—That is a large question as it is put; we should not be inclined to ask for any support whatsoever; we are quite satisfied with the spiritual power which we have; all that we should ask would be, that we should be perfectly free from the mark and the ban of outlawry which is put upon us, and from all the practical inconveniences which result from it, and that we should be left free to manage our affairs according as the laws of the country have regulated our temporalities, and our own control over them. We say that it would be very convenient if we had a sufficient amount of recognition to enable persons to leave their property to us by those titles by which, and by which only, we are known. Persons and their solicitors are apt to make very great mistakes, and we may be liable to have those trusts made in a way which would render the bequests illegal; and, therefore, the removal of that bar of course would be absolutely necessary to our freedom, and in fact to our religious liberty as Catholics it is essential. At present the Catholic religion is positively and absolutely outlawed, because its authority is outlawed; and of course that affects the whole Catholic body; moreover it puts a ban upon us; we walk through the country as outlaws; I have no power to separate my episcopacy from my person; I cannot give up my bishopric if I chose to do so; it is a mystical marriage which binds me for life; but when it comes to matters of this sort, the present state of things leads to a great deal of confusion. The Catholics know us; they legally give us our titles; there is no law against it, and they now give us a great deal more than they ever did before, simply because the law is against us, and therefore they consider it as a profession of faith. In Ireland before this Act was passed, the bishops were simply called doctors, but afterwards their title was most formally given; I should say that if that law is removed, we shall be able to do our duty towards our people without the same amount of odium being attached to us by law and without the difficulties which attach to us, and we shall not be liable to have property alienated from us simply because persons in their simplicity leave it to us by those titles which are against the law; I may at the same time observe that that law includes vicars apostolic quite as much as it does bishops in ordinary; it declares that any bishop appointed to any district under whatever name, shall be liable to a penalty. It was fully the impression at the time that it was the intention to ban vicars apostolic as well as ordinary bishops.

1006. Mr. *Attorney General for Ireland.*] Has any instance ever come within your own knowledge of any property being given to a Roman Catholic prelate, which has been alienated from your church by the operation of the Act?—I cannot say that in my own personal experience that would be any absolute statement of the difficulty; as a matter of fact it is not so, but I entirely attribute that to the vigilance of my secretary, who perpetually watches over all documents, and sends them to our solicitor who draws them up; but I think that it requires great skill and watchfulness; and there are not above two or three solicitors in England in whom I have confidence in meeting the difficulties by which we are beset by the law.

1007. Does your answer apply to wills as well as to deeds?—Yes; I should take care in every case where I knew about the documents. But there are few cases of the kind. The amount of cases of that kind, with regard to Catholic bishops, so far as I am informed, is very small; but these cases must increase as the Catholic population increases. The Catholic population has enormously increased in this country in the last 15 years, and with that, of course, the difficulty must increase, because the cases must multiply.

1008. Do you confine your observations on this subject to England?—Yes.

1009. Were you quite correct in stating that before 1851 the bishops in Ireland were not addressed by the titles of their sees?—The invariable practice was to address them merely as doctors, and I was very much impressed with the fact that in 1851, for the first time, the full style and title of bishops was given to them.

1010. Are you accurate in stating that before the Act of 1851 they were not frequently addressed by the titles which they assumed?—Very seldom indeed. You find formal documents in which they were so addressed. I was then intimate with many Irish bishops, and travelled with them, and saw them continually in contact with their clergy and their people.

1011. Have you seen public documents, or documents published by the bishops in Ireland, before 1851?—I do not recall them at this moment, but it must necessarily have been so in all formal documents.

1012. Take pastoral letters?—I suppose so, but I cannot call it to mind at this moment; all formal documents must necessarily have been so signed, as they would not have force without it. Archbishop McHale always did so, and I presume that the bishops did so, because a pastoral is, in fact, a formal document.

1013. Mr. *Gregory.*] From your own experience, may I ask you whether this law which prevents you from taking your proper designation has occasioned any embarrassment to you in the preparation of deeds?—Certainly.

1014. Although you have said that you are not aware of any bequest having failed, have you ever had any instance of mistakes being made in the efforts to overcome these embarrassments?—Mistakes have been repeatedly made, but those mistakes were simply guarded against, because the documents came into the hands of a person skilled in the difficulties of the law; they were sent to a solicitor skilled in the difficulties of the law; that solicitor was Mr. Harting.

1015. Have you found that the substitution of a roundabout designation for the direct designation is inconvenient, and that it implies risk?—Yes, it is a cause of embarrassment.

1016. And a remedy from a Court of Equity would be expensive, though it might be obtained?—Yes; and even in a Court of Equity the document

ment might be quashed. The habit of Catholics is to designate themselves by their titles, and when they write documents or wills, they think of nothing else; and of course there are a great many solicitors who are unacquainted with those matters. It is not a thing which comes in the ordinary exercise of their profession.

1017. I will read to you a paragraph from a letter written to me by a Roman Catholic bishop in Ireland, and I will ask you whether this is a likely case to occur in Ireland; he says: "Not long since, a lease of a presbytery and glebe site was prepared for the writer of these lines, and sent by his solicitor to counsel, for revision and advice. The present writer saw the corrections and opinion, the gist of the letter being that the law was so uncertain, so difficult in its application (or words to that effect), that it was extremely hard to draw the lease in such terms as would secure to the bishop of the diocese his just control over the property obviously given for the maintenance of a parish priest, and of which, as obviously, it was right that the bishop should be the guardian"; do you think that that is a case which is likely to occur?—I cannot speak of it as occurring in Ireland, but I can speak of a case which occurred in England within my own experience, which is analogous to it, and that is the case of a clergyman who set the episcopal authority at defiance. He locked the door of the church; he dragged the vicar general by the shoulders out of the house, and, in fact, in every way was contumacious, to the great scandal of the congregation; and when it came to the question of removing the clergyman, the great difficulty was that the presbytery in which he lived was held on such tenure that it was extremely difficult to remove him.

1018. You, therefore, naturally think that it is inexpedient that one portion of Her Majesty's subjects should be exposed to this inconvenience, and that others should not?—Certainly, and where that portion constitute one-third of Her Majesty's subjects.

1019. Mr. *Attorney General for Ireland.*] Did you succeed in the case which you have mentioned?—Yes.

1020. What was the difficulty which stood in your way?—The great difficulty was that the clergyman was in posession of the property; he could claim possession as a tenant; he paid no rent, and although the property was not in his name, yet he had held it for a considerable time, and had paid no rent; and there was a great difficulty in the case.

1021. Would not that difficulty occur to any landlord?—Yes; but I conceive that in a matter of that kind, we ought to be so secure that a bishop could always exercise his legitimate authority, and prevent a great scandal to the flock.

1022. In the instance which you have spoken of, what was the actual practical difficulty in your way?—The practical difficulty was simply that we could not invest that property in such a way that we should be able with legal facility to remove that clergyman if he chose to hold that property as it stood.

1023. Why so?—Simply because we have no means of establishing the right of descent of property; there is no corporate body. That clergyman had been placed there originally by my predecessor.

1024. How had that property been acquired by your predecessor; was it by deed, or by will?—It was acquired by donation, by deed.

1025. Do you recollect the terms of that deed?—I do not.

1026. Do you not think that the whole question, as a matter of law, would turn upon that?—My solicitor, a very skilful man, found it a very difficult case.

1027. From the terms of the deed?—Not from the terms of the deed exclusively, but from the general state of the law, it being the case of a clergyman in possession of a place which he was unwilling to leave.

1028. You have said that through your not having received rent from him, the solicitor thought that there was a difficulty in the way of your taking legal proceedings?—Yes.

1029. Would not that turn entirely upon the way in which the property had been given to your predecessor?—No; there was great embarrassment and difficulty in drawing up documents in any way which would secure the right influence of a bishop and the removal of a clergyman under any circumstances; as to the legal difficulties, I simply take the testimony of my solicitor.

1030. Are you aware that, as a matter of law, the entire of that question would depend upon the terms of the instrument?—Yes.

1031. Can you inform us of those terms?—Unhappily I have not the power to do so; I merely gave that as a general illustration.

1032. But you must be aware that general illustration without the terms of the particular instrument would be quite useless? I gave that as an illustration in answer to the question. I have not remembrance of the terms of the instrument; I gave the instance as far as my memory of it extends.

1033. Mr. *Chichester Fortescue.*] You probably think that you ought not to be exposed to these difficulties or risks, be they large or small, without, at all events, some very clear argument of public policy and public advantage the other way?—Certainly.

1034. And you are not aware that the rules and regulations under which your church now acts, cause any disadvantage to the other communions?—We are hampered in a great many ways; and one of the difficulties which we have arises from the prejudice of juries against us, which is derived to a considerable extent from the peculiar condition of the law against Catholics. I believe that amongst lawyers it is a maxim that if two white collars (to use their own phrase) appear on one side, the case is generally decided on the other; they imagine that they are acting on the spirit of the law; they imagine that the policy of the law tells against us; they imagine that we are a class of persons ignored by the State, and with whom the State is in antagonism, and that naturally has a very great influence upon minds.

1035. Mr. *Attorney General for Ireland.*] Do you connect that prejudice of jurors of which you have spoken with the Ecclesiastical Titles Act?—It is one amongst similar influences. I could not say that that is the one cause; but I say that legislation like that, and particularly that Act, banning and ignoring the bishops of the Catholic Church in this country, has a very great moral influence upon the minds of society, and that

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moral influence reacts upon us in many cases, and it is notorious that it has done so repeatedly in courts of justice.

1036. Mr. *Chichester Fortescue.*] Then you think that the indirect effects of the Ecclesiastical Titles Act operate unfavourably upon your body?—Yes; they form, as it were, an atmosphere which is prejudicial to our life.

1037. Do you desire any other recognition of your internal laws and regulations than that which the law gives to the internal regulations of other bodies, such as the Wesleyan body or the Royal Society?—None whatever; all that we ask is that the State shall give us the same protection as it gives to other communions; with that we are satisfied, and the less the State interferes with us the better; in fact, our wish would be that there should be no interference with us internally; all that we wish is to be enabled to breathe freely.

1038. And that the law should not attach any exceptional risks to your body in the management of your own affairs?—Yes; that we should not be put in a different position from the Dissenters.

1039. *Chairman.*] Do you think it necessary that you, or other bishops, should be designated merely by the title of your see, or would there be any objection to adding the words "Roman Catholic"?—In the first place I would observe, that the phrase "Roman Catholic," like many other phrases, never sprang from us; they are polemical phrases, and more or less are always accompanied with a certain amount of odium. In the next place, I would observe that the phrase is quite inappropriate, and that will appear from its analysis. The Roman bishop is the Pope, there is but one bishop of the Church of Rome, and that is the Pope. The term "Catholic Bishop," taken indefinitely, means the Pope. The Pope is the Catholic bishop, and he signs his name by the title of Bishop of the Catholic Church; for instance, he did so in the Council of Trent. Therefore the term "Roman Bishop" marks and points out in clear phraseology the Bishop of Rome. The term "Catholic Bishop," taken in itself, means the bishop of the universal church, but the appointment to a special see at once limits jurisdiction. Then, again, I would observe that it is a term to which Catholics are not accustomed, and which they would not adopt. It is a perfectly different thing to say "Roman Catholic faith," because all Catholics consider the Roman faith as the standard, and that the Roman faith is indefectible; but we do not speak of a Roman Catholic bishop, except the Pope, and the people are unaccustomed to it, and from their very knowledge of their Catechism they have the principles clear in their own mind. They, therefore, would be quite as apt to make bequests, or legal donations to us, by the term "Catholic Bishop". There would be no difficulty in the term "Catholic Bishop" with the see, and that distinctly marks us off; and this term quite sufficiently distinguishes us from the other bishops, because we are Catholic bishops and the others are Protestant bishops, and our signatures are perfectly different. The Anglican bishop would sign himself "James London"; but the Catholic bishop would say "James, Bishop of London." We, therefore, ourselves should not adopt the term "Roman Catholic," because there is a certain inaccuracy in it, and it is not the language to which we are accustomed. But if the State, not attending to our representations, gave us the term "Roman Catholic," as separating us from the Anglican bishops, we should use the law where necessary for our property, but we should not use the style ourselves; because we have a style in the church which has come down to us from the earliest periods, and which we could not change.

1040. Are you acquainted with the mode and style of addressing Roman Catholic bishops in public documents in the Colonies where a hierarchy has been established?—Yes, to a certain extent, I am. There was a regulation there similar to that which was made with respect to Ireland, not by Parliament, but by the Government; it was about the year 1847 that it was made in Ireland, namely, that the bishops should be addressed as "My Lord," and the archbishops as "Your Grace," and that they should also be addressed by the titles of their sees. A similar regulation was made in Australia, and there those titles are used. There was a charter drawn up in the case of the Catholic College of Sidney, in which the archbishop was mentioned by his style and title of "His Grace, the most Reverend the Archbishop of Sidney;" after that document was passed through the local Legislature, it was, as usual, sent to Her Majesty in Council for approval; and I believe that unless the act is reversed in two years it becomes law *ipso facto.* Now in this case the Secretary for the Colonies wrote a letter, strongly objecting to the use of that title, and sent the document back for correction; the result was, that it never was corrected in the House; the House was counted out as often as the Act was brought in until the two years had expired, and it became law.

1041. Mr. *Chichester Fortescue.*] You are aware that the Roman Catholic prelate at Sidney is an archbishop, and that the English prelate is a bishop, and therefore confusion is avoided; but supposing that they both were bishops there would be confusion?—I do not see why there should be confusion, because each would have the designation correctly given to him; one would be called the Catholic bishop, and the other the Protestant bishop.

1042. But you are aware that there is a very strong party in the Anglican Church which sets great value upon the title "Catholic"?—Yes, but still the church contines to call itself Protestant.

1043. Are you aware that the bishops of the Anglican Church themselves include under the term "Catholic" both the Anglican Church and also your own Church?—Yes.

1044. You would probably say that under our present free constitution, the State has nothing to do with these matters as being purely theological and polemical questions?—Certainly; with regard to any style which we may take it is totally independent of any honour; I believe that Selden, in his "Titles of Honour," lays it down that all titles of honour originally sprang from office, and that honours followed afterwards; our title merely designates our office; our titles, therefore, are not titles of dignity; it is the normal form in which the church has at all times designated our bishops; I think that you will find as early as the Council of Nicea, that the jurisdictions of the Patriarchs and chief bishops

bishops of the East were all regulated by their sees; it is a style which it is utterly impossible to alter. I should have no difficulty in furnishing to the Committee, first, the document which presented me to the See of Hetalona; and, secondly, the document which afterwards appointed me vicar apostolic; but the Committee will find that whilst the vicar apostolic is appointed to a district of territory, the bishop is appointed to a church; he is appointed simply to the cathedral church; he is appointed to a certain chair which is in a certain locality, and the mere term derived from the city or town is not used to designate that he has power over the whole town, but to designate that he has power over the Catholics who are there, by virtue of his being placed in a certain chair in a certain church, and over the churches by implication dependent on that church; and the form in which the in ordinary is appointed is, "We appoint you to such a cathedral church."

1045. Do you consider that your theological claims, so to speak, over the inhabitants of your diocese as a whole are different since you became Roman Catholic bishop of Birmingham from what they were when you were vicar apostolic?—Yes, they are of a different character, in so far as the rules of the church modify the power which was exercised in the other case. Formerly, whatever I did as vicar apostolic was simply provisional, as my own office was provisional; and it was provisional to such an extent, that the authority exercised was considered by Catholics altogether arbitrary, and that was the reason why they were so dissatisfied with it.

1046. I am not talking of the members of your own church living within that district; I am speaking of your relation to the members of other Christian communions?—We have no relation with them whatsoever until they present themselves and ask for admission to the Catholic Church; we do not seek them, but they seek us.

1047. Do you feel that your claim over the members of other Christian denominations living within your diocese has been altered by the fact of your becoming Roman Catholic bishop of Birmingham instead of vicar apostolic?—As we had no relation before with them, so we have no practical relation of any sort with them now.

1048. Lord *Frederick Cavendish.*] You stated, I think, in your evidence, that one great distinction between a vicar apostolic and a bishop in ordinary was, that one was appointed during the pleasure of the Pope, and the other was appointed to a see for life?—Yes; and he immediately becomes invested with all the power which is given to him by the canons.

1049. Then, am I to understand that a bishop can under no circumstances be removed by the Pope from his diocese?—He cannot be removed except for faults of a very grave character, but they must be of a very grave character indeed; he might be suspended, just as a priest might be suspended, or he might be excommunicated. Most probably what would be done would be this, that if he were either suspended or excommunicated, a vicar would be appointed to administer the diocese in the hope of his resipiscence.

1050. I think you also stated that a priest appointed to a cure by a vicar apostolic was only appointed during the vicariate of that vicar?—Yes.

1051. Whereas, if appointed by a bishop in ordinary, he would be appointed for life?—It depends entirely upon the nature of the appointment. Since the hierarchy was established we have been able to give permanent appointments, which, of course, when the bishops were not permanent, could not be done. In the first place, the chapter consists of canons, who have permanent appointments and functions; and, in the next place, there is a certain class of clergymen appointed for life, and who could not be removed without a court of arbitration consisting of five clergymen, who are appointed from one diocesan synod to another, and constitute a commission, or a court of arbitration, before whom the clergyman would have to come, and they would judge of the whole question of fact.

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1052. Since the establishment of the hierarchy, has it been the general custom to appoint priests to cures for life?—Not by any means in all cases, and that practice has not been adopted for very special reasons. There are a certain number of places where, having a sufficient income for the maintenance of a clergyman, and also having a sufficient congregation to make that particular mission likely to continue, a missionary rector has been appointed; but if we made such appointments in all cases, we should be putting untried men into fixed places; whereas, by putting only a limited number there, we are able to put tried men; and just as bishops are tried men, so those who are to be put permanently in places are tried men; but if we did so in all cases, we must put young men just out of their colleges into permanent places.

1053. Mr. *Paull.*] Would you deem it an intrusion, if the patriarch of the Greek Church appointed a Bishop of Birmingham?—Certainly if he appointed one over the Catholics. Of course, if he appointed one over the Greeks, then it would be a thing with which I should have nothing to do.

1054. If the local title of "Bishop of Birmingham" were given to a bishop of the Greek Church, you would not deem it an intrusion?—The patriarch of the east would have no power to appoint a bishop, because the appointment of a bishop essentially rests with the Sovereign Pontiff. He is the direct fount of jurisdiction, and all such appointments have been reserved to the Sovereign Pontiff. When a Greek patriarch appointed, he did so within his own patriarchate by virtue of a delegated power, because all patriarchates and primacies are considered in our theory as so many emanations from the Sovereign power in the Pontiff, and, therefore, the Greek patriarch would simply be exercising an act of schism, by over-riding the power of the apostolate.

1055. So that if the Emperor of Russia appointed a Greek bishop of Birmingham, he would have no power at all in your sense?—I suppose, that if there were Greek schismatics there, he would exercise power, if he claims it, over them. I should have nothing to do with him, or with the Greek schismatics, unless they interfered with my province.

1056. You would ignore them altogether?—I should have nothing to do with him, and he would have nothing to do with me; you will observe, that in the Eastern Church now, there are patriarchs of a great variety of rites; there

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are patriarchs of the Greek rite; there are patriarchs of the Armenian rite; there are patriarchs of the Latin rite; and some of those patriarchs actually exercise authority within the communion of the Catholic Church. Each patriarch is appointed to his own particular language, and he celebrates the rite of the language which belongs to his own especial church; for instance, there is the Latin patriarch of Constantinople, and there is the Greek patriarch.

1057. They would be simply in communion with Rome?—Yes.

1058. But I refer to persons not in communion with Rome?—Then I should have nothing whatever to do with them.

1059. Mr. *Gregory.*] If the patriarch constituted a bishop over a large number of Greeks at Manchester, you would think it a very legitimate proceeding?—I should not interfere with him, and I should expect him not to interfere with me.

1060. If he took the orthodox title of "Bishop of Manchester," would he interfere, in your opinion, with the Church of England?—No.

1061. You do not think that the Queen of England would be affected in her dignity by his so calling himself?—Certainly not.

1062. Or that the prerogative would be invaded?—No; because I do not consider that the orthodox Greeks do recognise the spiritual supremacy of Her Majesty any more than we do.

1063. Did I rightly understand you to say that a vicar apostolic could not make permanent appointments?—In the nomination of four vicars apostolic in 1688, they are designated as having powers as of ordinaries; the next vicar might continue what the previous vicar had done, but he might withdraw it, because he simply is there as a vicar apostolic, and he probably might say, "This is not expedient." If the vicars apostolic have not permanent appointments, it is not expedient that they should make permanent appointments; at the same time I can quite understand that a vicar apostolic might appoint a person where he could not give faculties beyond his life; those faculties would come to a new vicar, and therefore the faculties must be revived, and the new vicar would consider whether he would revive those faculties or not; he gives them as long as he has them, but in the other case, where a bishop has invested with an appointment, the law continues the investment after his demise.

1064. Mr. *Attorney General for Ireland.*]—Your suggestion for reconciling the claims of the rival bishops would be, that the English Church should give up to your church the title of "Catholic"?—I do not ask them to give up anything whatever, but I was asked to point out a method such as would be in every way consonant with our usage, and I observed that the one was a Protestant bishop and the other a Catholic bishop, and that that would be a sufficient distinction. But if the Legislature should not like that, and require us to adopt another title, we could not adopt it in our documents if it was different from the style of the church; we should of course use it in the best way that we could, and, therefore, if they gave the title of "Roman Catholic," we should take care that it was used in legal documents, but we should say that it was an odious term, and that it was invented to limit us, and to deny our universality.

1065. Then, you would object to being designated as Roman Catholics?—Certainly. We have no power to alter the essential style of the Church, which has been invariable, as far as documents go.

1066. Is there any way in which you could consistently designate yourself except as "Bishop of Birmingham"?—I do not see what other designation we could possibly use.

1067. Mr. *Chichester Fortescue.*] You have said that as mere theological questions, the law, under our constitution, ought to have nothing to do with these cases; but as a matter of clearness and of convenience, would you object to such a state of law as this, namely, that the law should leave you to sign yourself as you thought right in the private documents of your church, but should provide a certain convenient and respectful designation for you to be used in public and legal forms?—We should accept it, if it was a designation which was at all orthodox, or could be construed as orthodox. We should accept such a designation as applied to us by the law, and we should do our best with it. I can give an instance in which it has gone wrong. I remember Sir George Gipps, the Governor of New South Wales, once writing to the Catholic bishop there, and proposing that in documents he should be designated as Bishop of the Church of Rome; and I, as his vicar general, wrote back to say that it would be a very hard and unjust thing, because it would alienate our property to the Pope. I simply give that as an illustration of the sense which certain terms would bear, if construed strictly.

1068. If your legal designation was "Roman Catholic Bishop of Birmingham," do you see much difficulty?—If Parliament chose to give that designation, so far as I am concerned, I should not raise an objection to it. But I cannot speak for my brother bishops without first consulting with them.

1069. Mr. *Gregory.*] I suppose that your object would be accomplished by simply repealing this law?—Yes.

1070. Calling yourselves what you please, and allowing the State also to call you what they please?—Yes.

1071. Mr. *Paull.*] The chief objection to using the word "Roman" before "Catholic" is, that it would imply a recognition of a hierarchy of which you entirely deny the existence?—We do not contemplate that in any shape or way; it is not a thought which enters our minds; we simply think of ourselves, and of nothing but ourselves, and the sphere of our duties among Catholics.

1072. I understood you, in reply to the right hon. gentleman, to say, that you objected to the word "Roman," because it would be a limitation of the universality?—My object was to point out, first, the obnoxious origin of the term, and its limiting our universality or catholicity; and, secondly, I said that if you construe the term, the Roman bishop is the Pope, and I simply pointed out that a portion of the Anglican Church had invented the term as a term which in itself does not fairly designate a Catholic bishop, because a Catholic bishop is the bishop of such a place, and the designation of the see limits his jurisdiction, whereas the Roman bishop is the Pope, and the Catholic bishop is the Pope.

1073. So

1073. So that in your view any one who is not in communion with Rome is not a Catholic at all?—No, except that having received Catholic baptism, if he is in a state of grace, and follows the lights which he has, or follows the church, and if that person dies in such a state, we should certainly say that he is saved, and that he is saved through Catholic baptism. It is the theory by which we extend the idea of the Catholic Church beyond its visible pale. When we say that there is no salvation out of the Catholic Church, we do not exclude those who have been baptized, and are in God's grace, even though corporately they are exterior to the Church.

1074. Mr. *Chichester Fortescue.*] You are probably aware that other communions imitate you in these doctrines?—Yes.

1075. For instance, that many of the clergy of the Anglican Church look upon a dissenting minister as schismatical, and his acts as invalid; and that in the same way a Protestant bishop in Scotland looks upon the Presbyterian clergy as schismatics, all of whose acts are spiritually invalid?—Yes.

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1076. But yet the State takes no cognisance of these questions?—Just so.

1077. Do you wish the State to observe the same total neutrality in your case also upon a question wholly theological?—Yes, in a country like this, which is divided into so many sects of religion. I do not see how the State can do otherwise if it acts fairly towards all its subjects.

Sir GEORGE BOWYER, Bart., a Member of the House; Examined.

1078. *Chairman.*] Do you wish to make a statement to the Committee?—I wish to put in evidence a portion of a pamphlet which I published in the year 1850, at the time when the Catholic hierarchy was established, and which I published by the authority of Cardinal Wiseman. The statement which I wish to place before the Committee, commences at page 24, and ends at page 27 of the book which I now hand in, and is as follows: "The notion that the erection of a bishopric is an act of civil and temporal jurisdiction or sovereignty, arises from a confusion of ideas. In the first place, why have new spiritual titles been created in England by the Popes? Because the Statute 10 Geo. 4, chap. 7, forbade the use of the old titles, except by the clergy of the Protestant Church by law established; and though it would not have been difficult, by legal astuteness, to avoid the penal consequences of that prohibition, it seemed best, out of respect for the authority, that the Roman Catholic prelates should have new titles. It remains to be seen whether the creation of such new spiritual titles, and the assignment of dioceses to the prelates bearing them, be an encroachment on the temporal sovereignty of the civil power. There is no authority, whatever, for holding that a bishopric, with the style of a metropolitan or dioecesan bishop, such as Archbishop of Westminster, or Bishop of Birmingham, is *per se*, a temporal dignity or an office, or a dignity within the meaning of the common law, which makes the Crown the fountain of honour and office. It is a notion arising from an imperfect knowledge of the subject. Because the prelates of the Protestant establishment have the office and dignity of Lords of Parliament, and enjoy a certain legal rank and precedence by the temporal law; therefore, it is supposed that a diocesan bishop is necessarily clothed with what the law denominates a dignity and an office, which must emanate from the royal prerogative. But this is not so, and it is difficult to conceive a greater error in history and in law. Read the 7th Book of Hooker's Ecclesiastical Polity, especially section v., and other passages where he speaks of bishops with restraint, that is to say, bishops of particular places. He says, that St. James was made Bishop of Jerusalem, and Evodius, Bishop of Antioch, with something like Divine direction of the Holy Ghost. At section viii., speaking of bishops' territories, he defines a see and a diocese thus: "The church where the bishop is set, with his college of presbyters about him, we call a see; the local compass of his authority we term a diocese." And he says not one word of the notion, that neither a see nor a diocese could be created except by the civil power, or that a bishop with restraint, that is to say, of a particular city, is a dignity or an office, which must emanate from the regal prerogative; and with regard to metropolitans, he says, "They which dream that if civil authority had not given pre-eminence to one city more than another, there had never grown an inequality among bishops, are deceived; superiority of one bishop over another would be requisite in the church, though that civil distinction were abolished." Everywhere he speaks of bishoprics, sees, and dioceses, as spiritual offices and districts perfectly distinct from the sanctions of the civil power. They existed before the reign of Constantine, and it is matter of undeniable history which no one will hesitate about who has so much as looked over the pages of a common book, such as Bingham's Antiquities (Book ii., chap. i.), that the patriarchs, metropolitans, and diocesan bishops of the Eastern Church, were entitled bishops of particular places, such as Ephesus, of Alexandria, and of Antioch, and of Smyrna, even before the reign of Constantine, and when the church was unrecognised, and even persecuted by the civil powers; the purely spiritual office of an archbishop, or a bishop, of a particular place, as contradistinguished from the temporalities and the temporal incidents, such as a seat in Parliament, sometimes annexed thereto by the civil power, is indeed far more ancient than any dignity known to the common law. And let me remind the learned reader, that Cruise, in his work on Dignities, says nothing of bishops, and Selden does not include bishops in his celebrated treatise of Titles of Honour. It is for these reasons a strange error to compare the creation of an Archbishop of Westminster to that of a Duke or Marquis of Westminster. The former is a purely spiritual dignitary in his own church. He claims to be an archbishop, not in the Established Church, but of his own church. He neither claims nor asks anything at the hand of the civil power or the law;

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law; he is perfectly willing that the law should ignore him altogether, for he claims nothing that in any way touches or affects legal or civil rights. But the latter, if he be not Duke or Marquis of Westminster by law, is nothing but an impostor, because the titles of duke or marquis are mere creations, or creatures of the temporal law. The Catholic bishops of the new sees are in the same position with reference to the law, as the Protestant bishops in Scotland. The latter are called in their community, bishops of divers places, such as Edinburgh, Moray, Elgin, and Brechin; but the law knows them not as such: they have no legal *status*. But who could compare them to persons calling themselves, without legal title, Earl of Edinburgh, or Moray, Elgin, or Brechin? The absurdity of such a parallel is manifest.

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APPENDIX.

Appendix, No. 1.

MEMORANDUM on the Ecclesiastical Titles Act, 1851.

App. No. 1.

In Ireland the See of Rome holds that the succession of the Roman Catholic hierarchy has never been interrupted, and the titles of the ancient sees have consequently been retained. Some of these, however, were never adopted by, and others have since been abolished in, the Established Church. One see only is of modern erection, by Papal brief.

In England, before the year 1850, the Roman Catholic Church was (as in Scotland it still is) governed by prelates, who, bearing the title of sees "*in partibus infidelium*," exercised their jurisdiction as vicars apostolic of the Pope.

Between these two methods of government there is, as regards the prerogative claimed by the Crown, no difference whatever in principle. In both cases the See of Rome is the fountain of jurisdiction, and in both, territory, whether divided into dioceses or districts, forms its basis. If any distinction is to be taken, the government by vicars apostolic, in other words, by the direct representatives of the Pope, would appear to be more in conflict with the prerogative than the government by canonical bishops.

Under the Relief Act of 1829, the form of oath for Roman Catholics required the abjuration of the "temporal and civil," but not of the "ecclesiastical or spiritual" jurisdiction of the Pope; and section 24 of the Act did not profess to annul any instrument from Rome creating sees or vicariates apostolic, or making appointments to them when created, but merely prohibited, under penalty, the assumption of the titles of the established archbishopricks, bishopricks, and deaneries in England or Ireland.

In 1844, the Charitable Bequests Act for Ireland recognised distinctly the legal existence of Roman Catholic archbishops and bishops in that part of the kingdom, and legislated for them as members of a permanent institution.

In 1850, the Pope abolished the vicariates apostolic in England, and substituted for them a settled hierarchy, comprising one archbishoprick and 12 bishopricks, with territorial titles expressly chosen so as to avoid those of the existing sees of the establishment.

This was done by the brief of 29th September 1850, mentioned in the preamble of the Ecclesiastical Titles Act, 1851, and it is under that instrument, and others less important, but of a similar kind, which have been issued since 1850, that the present government of the Roman Catholic Church in England is constituted.

The successive appointments to archbishopricks and bishopricks both in England and Ireland are also made by briefs from Rome.

The Ecclesiastical Titles Act, 1851, after various recitals, including that of the instruments founding the new hierarchy, "declares and enacts, that—

1. "All such briefs, rescripts, or letters apostolical, and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, are and shall be and be deemed unlawful and void."

2. "That, if after the passing of this Act, any person shall obtain or cause to be procured from the bishop or See of Rome, or shall publish or put in use within any part of the United Kingdom any such bull, brief, rescript, or letters apostolical, or any other instrument or writing for the purpose of constituting such archbishops or bishops of such pretended provinces, sees, or dioceses within the United Kingdom; or if any person, other than a person thereunto authorised by law in respect of an archbishoprick, bishoprick, or deanery of the united Church of England and Ireland, assume or use the name, style, or title of archbishop, bishop, or dean of any city, town, or place, or of any territory or district (under any designation or description whatsoever), in the United Kingdom, whether such city, town or place, or such territory or district, be or be not the see or the province, or co-extensive with the province of any archbishop, or the see or the diocese, or co-extensive with the diocese of any bishop, or the seat or place of the church of any dean, or co-extensive with any deanery of the said united church, the person so offending shall for every offence forfeit and pay the sum of 100 *l.*, to be recovered as penalties imposed by the recited Act may be recovered under the provisions thereof, or by action of debt at the suit of any person in one of Her Majesty's superior courts of law, with the consent of Her Majesty's Attorney General in England and Ireland, or Her Majesty's Advocate in Scotland, as the case may be."

App. No. 1.

This Act, for the first time in modern legislation, struck at the foundation of the whole government of the Roman Catholic Church in the United Kingdom; for, not content with extending the prohibition of the Act of 1829 to the assumption of titles not already appropriated to the Established Church, it declared every instrument from Rome creating a province or diocese, and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, to be unlawful and void, and subjected to penalties all those who, after the passing of the Act, should obtain, or cause to be procured, or publish, or put in use, any such instrument, "or any other instrument or writing for the purpose of constituting such archbishops or bishops of such pretended provinces, sees, or dioceses within the United Kingdom."

After the date of this Act therefore, there have been, in the eye of law (except so far as the reservation under section 4, afterwards noticed, extends), no archbishops or bishops of the Roman Catholic Church, either in England or Ireland. The vicariates apostolic having been superseded in England by a territorial hierarchy, and Ireland having always possessed one, the government of the Church in both countries was, so far as Parliament could do it, annulled by this statute.

It is needless to say that a measure so extreme was not likely to have all the results intended by it. On the internal discipline of the Roman Catholic community, it had none; on their social position only so much as arose from the agitation which attended, and the triumph which followed, the passing of the Act. It gave them, however, a renewed sense of injustice, and a natural distrust of the Legislature, which could be induced to reverse the policy of 1829, and recall an important part of the freedom then confirmed to them, and of which they had been in the legal enjoyment since the first relief Act in 1778. It may be noticed that recent admissions in Parliament seem to support the view that such feelings on their part were not altogether unreasonable.

The Act, however, being on the statute book, could not, if resorted to, be inoperative, and its effect was soon discovered.

1. In November 1850 (after the date of the brief), the Committee of Privy Council on Education had concluded a long pending treaty with the Catholic Poor School Committee as to the management clause for Catholic Poor Schools. The agreed form recognised the authority of "The Roman Catholic bishop for the time being of the district or other ecclesiastical division" in which the school should be situated, and this was held to be essential on the part of the Poor School Committee.

On the passing of the Act its inconsistency with this management clause became obvious. There were notoriously no Roman Catholic bishops except those deriving territorial titles and authority from the brief of 1850, and that brief and all jurisdiction under it had been declared "unlawful and void." Moreover, the terms of the management clause had evident reference to territorial divisions, and thus sinned openly against the Act.

Of these two difficulties the former was by far the most serious, and being found insuperable, was, by mutual understanding, ignored.

The latter admitted of compromise, and, after discussion, a form was adopted which was embodied in the trust deed which has since served as a model.

The deed in question is that of Kemerton School, dated 24th May 1852, in which the Roman Catholic Bishop of Clifton is described as "The Right Reverend James Burgess, of Clifton, in the county of Gloucester, Doctor in Divinity, and Roman Catholic Bishop," while (apart from any covenanted powers inserted in the trust deed) his ecclesiastical jurisdiction is distinctly acknowledged by the declaration "that no priest shall be or continue a member of the said committee, or exercise any control or interference whatsoever in the said school, who does not hold faculties duly received from, or confirmed by, the Roman Catholic bishop aforesaid, or his successor for the time being, subsisting and unrevoked."

Whether these transactions amounted to a "putting in use" of the Papal brief, or whether this, or any of the trust deeds framed upon this model, would stand the test of a legal examination, it is not necessary to inquire. It is enough that a department of the State began, during the existence of the very Ministry which introduced and passed the Act, and that the same department has ever since continued, under various administrations, to disregard a law, the observance of which would have been against the public policy of education, and in violation of an official compact.

2. Another class of questions, which has arisen under the statute, illustrates the same view of it.

In section 4 of the Act there is a reservation of all the provisions of the Act of 1844 (before referred to) "for the more effectual application of charitable donations and bequests in Ireland." How this reservation operates in regard to the legal position of the Roman Catholic archbishops and bishops in Ireland, seeing that the Act of 1844 recognises them, and the Act of 1851 destroys them, may well be a question; but the insertion of the reservation shows a perception of the probable effects of the Act upon Roman Catholic charities, and, as far as Ireland is concerned, seeks to guard against it. In England, where there is no reservation, that effect may arise in the following, amongst other, instances;

1. When a Roman Catholic archbishop or bishop, described merely as such, is the person to receive, as a trustee, or otherwise, any bequest or gift.

2. When the action of the authority of a Roman Catholic archbishop or bishop, as such, is prescribed as part of a trust.

3. When

3. When bequests for the benefit of former ecclesiastical districts have to be apportioned between new dioceses. App. No. 1.

Under two of these heads cases have arisen, fortunately not litigious, but which have required the intervention of the courts of equity, and in all, except one, the Act of 1851 was simply ignored, while, in that one, the judge's attention being directed to the Act, he made great difficulties, and finally yielded, on the example of the trust deed adopted by the Privy Council being brought before him.

3. A third kind of difficulty arises, like the first, from necessary contact between the Government departments and other public authorities, and the Roman Catholic clergy. Whenever a Roman Catholic chaplain is required for the army or navy, or for any prison or workhouse, the priest appointed, by whomsoever he may have been ordained, must have faculties from the bishop within whose diocese he is to act, and, when he leaves that diocese to go to another, must carry with him documents attesting his orders and character.

All instruments signed by a bishop for these purposes, inasmuch as they depend upon jurisdiction, must and do contain the title of his see, and a reference to his appointment by the Pope; and thus every Roman Catholic chaplain must have in his possession one document or more, which, proving ecclesiastically his capacity to act as chaplain, would, under the Act of 1851, not only not establish that point, but become evidence against himself, and his bishop, of a contravention of the Act.

Here again, however, common sense has proved stronger than the statute; no inquiry is made, and priests are accepted by Government, and other public bodies, whose necessary qualification is known to be derived from the bishops, whose authority to qualify them is equally known to be derived from the Pope.

To these observations it may be objected that they do not prove, nay, that they disprove, the existence of practical grievances under the Act of 1851; but the answer is easy. No Act of Parliament can cause direct hardship to the subject while the ministers of the Crown, the judges, the magistrates, and the public at large concur in disregarding it; but it is one thing to be secure by the law, and another to be secure only by a general contempt of the law. In the latter case a gust of popular excitement, such as occurred in 1850-51, or the interest or prejudice of an individual, or the scruples of a single official, or of a single judge, might at any time turn this dormant Act into a real instrument of oppression; and therefore the grievance of the Roman Catholics is this, and it is essentially a practical one, that, whatever their present immunity may be, they are not, and, as the law stands, they never can be, secure of its continuance.

From this it follows that in all matters to which the Act may be applied, Roman Catholics find it necessary to take the same precautions and resort to the same expedients as if its application were certain. In short, they are under the constant sense that a penal Statute is at the door, and that it depends upon little more than accident, whether it shall come in or not; and thus, if the apprehension of evil be, as it certainly is, an evil in itself, the mere existence of the Act is a practical hardship, and there can be no remedy short of its repeal.

5 July 1867.

App. No. 2.

Appendix, No. 2.

PAPERS received from Mr. *Justice O'Hagan.*

(No. 1.)

LETTER from Sir *J. Bernard Burke.*

My Dear Judge, Record Tower, Dublin Castle, 13 July 1867.

WHEN the Queen came in State to Ireland in 1849, and held her Court at Dublin Castle, an order was issued by the Lord Chamberlain of Her Majesty's Household, dated 7th August, on the subject of the private *entrée* at the Levee to be held the following day. A copy of this Order you will find enclosed, and by it you will see that Her Majesty not only recognised the status and rank of the Roman Catholic prelates, but also directed that "The Roman Catholic Primate," and "The Roman Catholic Archbishop of Dublin," giving them precedence among archbishops and placing them next after the Archbishop of Dublin of the Established Church, and immediately above dukes, should have the private *entrée.*

Yours, &c.
(signed) *J. Bernard Burke,* Ulster.

From the "Dublin Gazette," 7th August 1849.

Lord Chamberlain's Office, Dublin Castle,
7 August 1849.

HER MAJESTY has been pleased to desire that the following persons should have the *entrée* at the Castle.

The Primate.
The Chancellor.
The Archbishop of Dublin.
The Roman Catholic Primate.
The Roman Catholic Archbishop of Dublin.
The Duke of Leinster.
The Cabinet Ministers.
Her Majesty's Household.
The Lord Lieutenant's Household.
The Lord Chief Justice of Queen's Bench.
The Master of the Rolls.
The Lord Chief Justice Common Pleas.
The Chief Secretary to the Lord Lieutenant.
The Chief Baron.
The Attorney General.
The Commander of the Forces.
The Paymaster of Civil Services.
The Under Secretary to the Lord Lieutenant.
The Solicitor General.
The Commandant of the Garrison.
The Adjutant General.
The Quartermaster General.
And all who have the *entrée* at St. James'.

(No. 2.)

AT the First General Meeting of the Commissioners of Charitable Donations and Bequests for Ireland in their House, No. 35, Lower Gardiner-street, Dublin, at One o'clock on Thursday, the 9th day of January 1845.

MEMBERS PRESENT:

The Right Honourable the Master of the Rolls, in the Chair.
The Right Honourable the Lord Chief Baron.
The Right Honourable the Judge of the Prerogative Court.
His Grace the Lord Archbishop of Dublin.
His Grace the Lord Archbishop William Crolly.
His Grace the Lord Archbishop Daniel Murray.
The Right Honourable the Earl of Donoughmore, K.S.P.
The Honourable and very Rev. the Dean of St. Patrick's.
The Right Honourable Anthony Richard Blake.
The Rev. Dr. Pooley S. Henry.

App. No. 2.

Act of Parliament incorporating the existing Commissioners.

The Secretaries laid before the Commissioners the Act of the 7 & 8 Vict. c. 97, incorporating the Commissioners of Charitable Donations and Bequests for Ireland, and which Act came into operation on the 1st instant.

Act read.

Her Majesty's Royal Letter.

The Master of the Rolls laid before the Board Her Majesty's Royal Letter, bearing date the 14th December 1844, appointing the 10 Commissioners, pursuant to the 2nd section of said Act.

Royal Letter read.

Ordered, that the Queen's letter now read be entered on the Board's minutes, and that the Secretaries do return it to Lord Eliot, Chief Secretary for Ireland, with a request that his Lordship may cause it to be enrolled and returned to the Master of the Rolls as Chairman.

The following is a copy of the Royal Letter:—

(L. S.) VICTORIA REGINA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the most Rev. Father in God, our right trusty and right entirely beloved Cousin and Councillor, John George, Archbishop of Armagh, and Primate of all Ireland. The most Rev. Father in God, our right trusty and right entirely beloved Cousin and Councillor, Richard, Archbishop of Dublin; our right trusty and well beloved the most Rev. Archbishop William Crolly, and the most Rev. Archbishop Daniel Murray; our right trusty and well beloved Cousin and Councillor, John Hely, Earl of Donoughmore, Knight of the most illustrious Order of St. Patrick; our trusty and well beloved the Right Rev. Bishop Cornelius Denvir; our trusty and well beloved Henry Pakenham, Master of Arts, Dean of our Cathedral Church of St. Patrick's, Dublin; our right trusty and well beloved Councillors, Sir Patrick Bellew, Bart., and Anthony Richard Blake; and our trusty and well beloved Pooley Shuldham Henry, Doctor in Divinity, Greeting. Whereas by an Act passed in the last Session of Parliament, intituled, "An Act for the more effectual application of Charitable Donations and Bequests in Ireland," it is enacted that the Master of the Rolls in the High Court of Chancery of Ireland, for the time being; the Chief Baron of the Court of Exchequer in Ireland, for the time being; and the Judge of Her Majesty's Court of Prerogative for Causes Ecclesiastical, and Court of Faculties in and throughout Ireland, for the time being, together with ten other proper and discreet persons to be from time to time appointed by Her Majesty in Council by warrant under the sign manual, of which ten persons five, and not more than five, shall at all times be persons professing the Roman Catholic religion, shall be the Commissioners of Charitable Donations and Bequests for Ireland.

Now know ye, that We, reposing especial trust and confidence in your knowledge, discretion, and ability, do hereby, in pursuance of the provisions of the said recited Act, and by and with the advice of our Privy Council, appoint you, the said John George, Archbishop of Armagh, Richard, Archbishop of Dublin, Archbishop Wm. Crolly, Archbishop Daniel Murray, John Hely, Earl of Donoughmore, Bishop Cornelius Denvir, Henry Pakenham, Sir Patrick Bellew, Anthony Richard Blake, and Pooley Shuldham Henry, to be Commissioners of Charitable Donations and Bequests for Ireland, with all rights, powers, and privileges thereunto belonging or appertaining.

Given at Our Court, at St. James's the 14th day of December 1844, in the eighth year of Our reign.

By Her Majesty's Command,
(signed) *J. E. Graham.*

App. No. 3.

Appendix, No. 3.

12 Vict. c. 186.

Cap. CXXXVI.

An Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese in Lower Canada. [30 May 1849.]

Preamble.

Whereas the Right Reverend Joseph Signay, Roman Catholic Archbishop of Quebec, the Right Reverend Ignace Bourget, Roman Catholic Bishop of Montreal, and the Right Reverend Joseph Eugène Bruno Guignes, Roman Catholic Bishop of Bytown, in this Province, have petitioned this Parliament to pass an Act incorporating the said Archbishop and Bishops severally, and enabling each to hold and acquire real estate in this Province for religious purposes: and whereas it is expedient to comply with the prayer of the said petition, and nothing but advantage can result therefrom, especially for Her Majesty's Roman Catholic subjects in Lower Canada; Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act to reunite the Provinces of Upper and Lower Canada," and for the Government of Canada; and it is hereby enacted, by the authority of the same,

Roman Catholic Archbishop of Quebec, Bishop of Montreal and Bishop of Bytown respectively, constituted corporations.

that from and after the passing of this Act, the said Joseph Signay and his successors, being Archbishops of Quebec aforesaid, in communion with the Church of Rome, the said Ignace Bourget and his successors, being Bishops of Montreal aforesaid, in communion with the Church of Rome, and the said Joseph Eugène Bruno Guignes and his successors, being Bishops of Bytown aforesaid, in communion with the Church of Rome, for that part of that diocese which is situate in Lower Canada, shall be and are hereby declared to be, each respectively, a body corporate, in his respective diocese aforesaid, in deed and in name,

Corporate names.

the said Joseph Signay and his successors, by the name of "The Roman Catholic Archiepiscopal Corporation of Quebec," the said Ignace Bourget and his successors, by the name of "The Roman Catholic Episcopal Corporation of Montreal," and the said Joseph Eugène Bruno Guignes and his successors, by the name of "The Roman Catholic Episcopal Corporation of Bytown," and that each of them and his successors, as aforesaid, shall, by his separate

Corporate powers.

name as aforesaid, have perpetual succession and a common seal, and shall have power from time to time (by and with the advice of his Chapter, his Council, or other members of his clergy as hereinafter mentioned), to alter and renew or change such common seal at pleasure, and shall respectively, by his respective name as aforesaid, from time to time and at all times hereafter, be able and capable to have, hold, purchase, acquire, possess and enjoy, for the general use or uses eleemosynary, ecclesiastical or educational, of the said church, or religious community, or of any portion of the said community within his district,

Holding land.

any lands, tenements, or hereditaments within the Province of Canada, and the same real estate or any part thereof from time to time (by and with the advice hereinafter mentioned), to sell or exchange, alienate, hypothecate, let, demise, lease or otherwise dispose of, and in case of sale, to purchase other real estate in lieu of that sold with the proceeds or purchase money arising from such sale, and to hold and enjoy such newly purchased or exchanged estate or estates for the religious, eleemosynary, ecclesiastical or educational purposes aforesaid, or any or either of them, and by the same name respectively each of the said

Suing and being sued, &c.

Archbishop and Bishops, and his successors, shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered, in all courts of law and equity, and places whatsoever, in as large, ample, and beneficial a manner as any other body corporate, or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answer or be answered unto in any manner whatsoever.

Titles to land made by or to them to be void, unless registered.

2. And be it enacted, that all deeds of any real estate, made and executed by or in favour of either of the said bodies corporate (except leases for a term not exceeding nine years), shall be duly registered according to law, within six calendar months after the making and execution thereof, otherwise the same shall be void, and of none effect: Provided always, that nothing herein contained shall be construed to give any greater effect in other respect to the registration of any such deed, within the said term of six months, than is by law given to the registration of any other deed of real estate in Lower Canada.

Persons holding property in trust for the benefit of the church, may convey the same to these corporations.

3. And be it enacted, that it shall be lawful for any person within either of the said dioceses of Quebec, Montreal, or Bytown, in whom, or in whose name any lands, tenements, or hereditaments are now, or shall or may be hereafter vested, in trust or otherwise, for the benefit of the said Roman Catholic churches, or either of them, from time to time, to convey, assign, or transfer, by deed under his hand and seal, or by notarial deed, in the usual legal way, all or any of the same lands, tenements, and hereditaments, unto the Archbishop or Bishop for the time being of the diocese in which such real estate is situate, to be holden by the said Archbishop or Bishop, and his successors, for the purposes aforesaid, as provided by this Act.

4. And

No such lands to be alienated, except with the consent of certain ecclesiastical dignitaries.

4. And be it enacted, that it shall not be lawful for either of the said Archbishop or Bishops, or for their successors, to make or execute any deed, conveyance, lease, or assignment of the whole or any part of the lands, tenements, and hereditaments acquired or held, or to be hereafter acquired by him, under and by virtue of this Act, without the consent in writing of his Chapter or Council, or if there be neither Chapter nor Council in his diocese, of his Coadjutor and senior Vicar-general; and in case there shall happen to be no Coadjutor or Vicar-general, or in case the said Coadjutor or Vicar-general, or either of them, should be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two clergymen to be selected or named by the Archbishop or Bishop of each respective diocese; such selection or nomination, and such consent to appear upon the face of the deed, or other instrument in writing, intended to be executed by the parties, and to be testified by the said Archbishop or Bishop, and his Chapter or Council, or Coadjutor and senior Vicar-general, or such two clergymen as aforesaid being made parties to, and signing, sealing, and delivering all the deeds, conveyances, leases, assignments, or other instruments, in the presence of two credible witnesses, or signing the same in the presence of two notaries, or one notary and two witnesses, as consenting parties thereto respectively.

Such consent to appear on the face of each deed, &c.

This Act not to confer any spiritual or ecclesiastical jurisdiction.

5. And be it enacted, that nothing in this Act contained shall extend, or be construed, to extend in any manner to confer any spiritual jurisdiction, or ecclesiastical rights whatsoever, upon either of the said Archbishop or Bishops hereinbefore mentioned, or upon their successors, or other ecclesiastical person of the said church or churches in communion with the church of Rome aforesaid.

Annual vslue of property limited.

Accounts to be rendered to the Governor.

6. And be it enacted, that neither of the said corporations hereby created shall have, hold, possess, or enjoy lands and tenements, or real estate, in virtue of this Act, exceeding 5,000*l.* in annual value at any time; and that each of them shall, at all times when called upon so to do by the Governor of this Province, render an account, in writing, of the property held by such corporation under this Act, and of the income derived therefrom, and the means by which the same has been acquired.

Provision for the incorporation of archbishops or bishops of new dioceses.

7. And be it enacted, that whenever it may be deemed expedient to erect any New Roman Catholic diocese in Lower Canada, the Archbishop or Bishop of such new diocese, and his successor, shall have the same powers and be subject to the same restrictions and limitations in respect thereof, as are by this Act conferred and imposed upon the said Archbishop of Quebec, and Bishops of Montreal and Bytown respectively.

Coadjutor to exercise corporate power in certain cases, &c.

8. And be it enacted, that during any vacancy which may occur in the said Archbishopric or Bishoprics respectively, or in case either of the said Archbishop or Bishops, or any Archbishop or Bishop of any new diocese that may be erected as aforesaid, or their successors, shall, from sickness, infirmity, or any other cause, become incapable, or be incapacitated to perform his duties in his diocese, then his Coadjutor, or the person administering the diocese, shall have the same powers as are by this Act conferred upon the Archbishop and Bishops of the said dioceses respectively.

Corporations created by letters patent not to be affected by this Act.

9. And be it enacted, that this Act shall not affect in any way the incorporation created in favour of the said Archbishop of Quebec and his successors, by Her Majesty's letters patent, bearing date the 29th day of January 1845, nor the incorporation created in favour of the said Roman Catholic Bishop of Montreal, by Her Majesty's letters patent bearing date the 17th day of August 1839, which incorporations shall be and remain distinct from those created by this Act.

This Act shall not extend to Upper Canada.

10. And be it enacted, that this Act shall extend only to Lower Canada (except that the said corporate bodies may respectively acquire, hold and enjoy lands and hereditaments in any part of this province for the purposes aforesaid), and shall not in anywise extend to or affect Upper Canada.

Interpretation of certain words.

11. And be it enacted, that the words "Lower Canada," wherever they occur in this Act, shall be understood to mean and include that part of the province of Canada which formerly constituted the province of Lower Canada; the words "Upper Canada," wherever they occur in this Act, shall be understood to mean and include that part of the province of Canada, which formerly constituted the province of Upper Canada, and all words in the singular number, or masculine gender, only shall be understood to comprehend several things of the same kind, as well as one thing, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it is specially provided to the contrary, or there is something in the subject or context repugnant to such an interpretation.

Saving of Her Majesty's rights, &c.

12. And be it enacted, that nothing herein contained shall affect or be construed to affect in any manner or way the rights of Her Majesty, Her heirs or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are hereinbefore mentioned and provided for.

Public Act.

13. And be it enacted, that this Act shall be deemed a public Act, and shall be judicially taken notice of as such by all judges, justices of the peace, and other persons whatsoever, without being specially pleaded.

REPORT

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL TITLES

AND

ROMAN CATHOLIC RELIEF ACTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
2 *August* 1867.

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I N D E X

TO THE

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AND

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Ordered, by The House of Commons, *to be Printed,*
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503—I.

I N D E X.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL TITLES

AND

ROMAN CATHOLIC RELIEF ACTS.

Ordered, by The House of Commons, *to be Printed*,
2 *August* 1867.

503—I.

Under 3 *oz.*

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

TIPPERARY ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1867.)

Ordered, by The House of Commons, *to be Printed,*
8 *April* 1867.

Tuesday, 26th March 1867.

NAMES of the Members of the Select Committee appointed to try and determine the matter of a Petition complaining of an undue Election and Return for the County of Tipperary:—

John Floyer, Esq.	Walter Morrison, Esq.
Lieutenant Colonel J. M. Hogg.	Arthur Russell, Esq. (Tavistock).

Sir PHILIP GREY EGERTON, Chairman.

Wednesday, 27th March 1867.

Ordered, THAT the Petition relative to the said Election be referred to the Committee.

Ordered, THAT the Committee do meet To-morrow, in one of the Committee Rooms of the House, at Eleven of the clock.

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REPORT.

TIPPERARY ELECTION COMMITTEE.

Friday, 5th April 1867.

The House informed, that the Committee had determined,—

That the Honourable Charles White is duly elected a Knight of the Shire to serve in this present Parliament for the County of Tipperary.

The House further informed, that the Committee had agreed to the following Resolutions:—

That no such case of general riot at the last Election for the County of Tipperary has been proved as would make the said Election altogether null and void.

That it was proved to the Committee that, previous to the last Election for the said County, divers of the Roman Catholic Clergy exercised their influence upon their congregations in a manner calculated to prejudice the free choice of the Electors, but that such conduct on their part did not in the opinion of the Committee amount to the offence of undue influence as defined by law.

That serious disturbances took place at the last Election for the said County, at the polling places and in other localities, which materially interfered with the Electors tendering their votes.

That the Committee have no reason to believe that corrupt practices have extensively prevailed at the last Election for the said County.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 28th March 1867.

Names of the Members called over;—all present.

Room cleared.—The Committee deliberated.—The Committee agreed to the following Resolutions:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. That if costs be demanded by either party under 11 & 12 Vict. c. 98, the question must be raised immediately after the decision of the Committee on that particular point, unless the Committee shall otherwise decide.

3. That the Committee expect that with respect to cases of bribery, or offers or promises of money or other valuable consideration, which it is intended to bring home to the Sitting Member or his agents, the Counsel for the Petitioner will now state the names of the electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

8. That no person shall be examined as a witness who shall have been in the room during any of the proceedings of the Committee, with the exception of the Agents, whose names shall be handed in, without the special leave of the Committee.

9. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on summing up.

10. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

11. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

Parties called in, and informed of the above Resolutions.

The Petition of *William Pennefather*, complaining of an undue election and return for the county of Tipperary, and alleging bribery, treating, intimidation, and undue influence against the Honourable Captain White, and his agents, was read.

Counsel for the Petitioner:—Mr. *William Ryan*, Q.C., Mr. *Macnamara*, Hon. *R. Bourke*, Mr. *John Cunningham*, and Mr. *Hale*.

Agents:—Messrs. *Holmes & Co.*, Mr. *George Bolton*, and Mr. *William Clark*.

Counsel for the Sitting Member:—Mr. Serjeant *Ballantine* and Mr. *Hackett*.

Agents:—Messrs. *Sharkey & Co.*, Mr. *Edmond Power*, Mr. *Thomas Slattery*, Mr. *James Kilkelly*, and Mr. *George Frazer*.

Mr. *Ryan* opened the case on behalf of the Petitioner.

On the cases being opened of spiritual influence alleged to have been exercised by Roman Catholic priests in sermons, &c.:—

Mr. Serjeant *Ballantine* objected to isolated cases of this kind being alluded to, unless it was intended to prove an organised system of intimidation.

Mr.

Mr. *Ryan* was heard in answer to the objection.

The Committee decided that the cases might be opened.

The Short-hand writer was sworn by the Chairman.

James Richard Naylor, sworn; examined; produced writ and return for the last election for the County of Tipperary.

Ralph Cusack, sworn; examined; handed in poll-books for the last election for the County of Tipperary.

Lists of people alleged to have been intimidated handed in.

John O'Ryan, sworn; examined by Mr. *Macnamara.*

On the question being asked, "Is the influence of the priests in Tipperary great or small?" Mr. Serjeant *Ballantine* objected.

The Committee decided that the question ought not to be put.

Cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara.*

William Clarke sworn; examined by Mr. *Bourke*; cross-examined by Mr. Serjeant *Ballantine.*

Philip M'Guire, sworn; examined by Mr. *Ryan.*

Denis O'Brien, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara.*

Thomas Fennel, sworn; examined by Mr. *Bourke*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan.*

[Adjourned till To-morrow, at Eleven o'clock.

Friday, 29th March 1867.

Names of the Members called over;—all present.

Adam Prior, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara.*

Thomas Butler, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine.*

Robert Pratt, sworn; examined by Mr. *Cunningham*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan.*

John Crawford, sworn; examined by Mr. *Bourke*; cross-examined by Mr. Serjeant *Ballantine.*

Valentine O'Mara, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara.*

Robert Shore, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan.*

Andrew de Burgh, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara.*

Captain *Richard Cooper,* sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine.*

Colonel *Edward Punfoy,* sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine.*

William Power, sworn; examined by Mr. *Cunningham*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan.*

Frank Sheppard, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine.*

John Ryan, sworn: examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan.*

Denis Ryan, sworn; examined by Mr. *Ryan*; cross-examined by Mr. *Hackett*; re-examined by Mr. *Ryan*.

John Hogan, sworn; examined by Mr. *Ryan*; cross-examined by Mr. *Hackett*.

Edward C. Bayley, sworn; examined by Mr. *Cunningham*; cross-examined by Mr. *Hackett*; re-examined by Mr. *Cunningham*.

Daniel Kennedy, sworn; examined by Mr. *Macnamara*.

John Anderson, sworn; examined by Mr. *Bourke*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Bourke*.

James Spaight, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*.

William Spaight, sworn; examined by Mr. *Ryan*.

[Adjourned to To-morrow, at Eleven o'clock.

Saturday, 30*th March* 1867.

Names of the Members called over;—all present.

Mr. *Ryan*, Q. C., applied for an adjournment of the Committee to Monday, at Eleven o'clock.

Mr. *Sharkey*, the agent for the Sitting Member not objecting—

Resolved, That the Committee do adjourn to Monday next, at Eleven o'clock.

[Adjourned accordingly (at Twenty Minutes past Eleven) to Monday next at Eleven o'clock.

Monday, 1*st April* 1867.

Names of the Members called over;—all present.

James Hodgins, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*.

John F. Waller, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara*.

The Most Reverend Dr. *Budget Leatry*, sworn; examined by Mr. *Ryan* (handed in a letter of Archbishop *Leatry*, dated 10th October 1866, and a copy of Resolutions passed at a meeting of the clergy held at Thurles, 13th October 1866); cross-examined by Mr. Serjeant *Ballantine*.

On the question being asked: "Was there, in your judgment, any necessity for indirect means to secure the election of a Liberal candidate." Mr. *Ryan* objected; Mr. Serjeant *Ballantine* was heard in answer.

The Committee decided that the question should not be asked.

Mr. Serjeant *Ballantine* proposed to put in some letters of Mr. *Waldron* and Archbishop *Leatry*, relating to the last election for the county of Tipperary.

Mr. *Ryan* objected, on the ground that they were only a portion of a correspondence which extended over a much longer period.

The Committee decided that the letters should not be put in.

Re-examined by Mr. *Ryan*.

Clement Sadler, sworn; examined by Mr. *Bourke*; cross-examined by Mr. *Hackett*.

Patrick Mackey, sworn; examined by Mr. *Ryan*; cross-examined by Mr. *Hackett*.

Henry Wood, sworn; examined by Mr. *Ryan*.

Philip M'Guire, re-called; sworn; examined by Mr. *Bourke*.

Matthew

Matthew Givans, sworn; examined by Mr. *Cunningham*; cross-examined by Mr. Serjeant *Ballantine*.

Robert Givans, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara*.

John Murphy, sworn; examined by Mr. *Bourke*; cross-examined by Mr. Serjeant *Ballantine*.

Jeremiah Murphy, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*.

Florence M'Carthy, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*.

Robert Sargeant, sworn; examined by Mr. *Ryan*.

Mr. *Ryan* here proposed to put in the convictions of certain persons at the Petty Sessions at Clogheen, for riot.

Mr. Serjeant *Ballantine* objected.

Committee decided that the convictions were not admissible.

Benjamin M'Craith, sworn; examined by Mr. *Macnamara*.

Mr. Serjeant *Ballantine* objected to the witness being examined as to statements of individual priests, unless they were shown to be portions of an organised system of intimidation.

The Committee decided that the evidence was admissible.

Joseph Tulley, sworn; examined by Mr. *Cunningham*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan*.

[Adjourned to To-morrow, at Eleven o'clock.

Tuesday, 2nd April 1867.

Names of the Members called over;—all present.

Frederick Sayers, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan*.

Robert Farrell, sworn; examined by Mr. *Macnamara*.

William Pennefather, sworn; examined by Mr. *Bourke*.

Roger M'Lochlan, sworn; examined by Mr. *Cunningham*.

Pearce Walsh, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*.

William Shasby, sworn; examined by Mr. *Macnamara*.

Patrick Foley, sworn; examined by Mr. *Ryan*.

Michael Mairn, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan*.

Patrick Doherty, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan*.

James Kane, sworn; examined by Mr. *Macnamara*.

John Roche, sworn; examined by Mr. *Cunningham*; cross-examined by Mr. *Hackett*.

John M'Carthy, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*.

Philip Bulbert, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara*.

Samuel Henderson, sworn; examined by Mr. *Cunningham*; cross-examined by Mr. Serjeant *Ballantine*.

Nicholas O'Shea, sworn; examined by Mr. *Ryan*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan*.

William Shee, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara*.

William Brittain, sworn; examined by Mr. *Cunningham*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Ryan*.

John Gleeson, sworn; examined by Mr. *Macnamara*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Macnamara*.

Patrick Shellan, sworn; examined by Mr. *Ryan*.

Thomas M'Gee, sworn; examined by Mr. *Macnamara*.

Mr. Serjeant *Ballantine* was heard to address the Committee on behalf of the Sitting Member.

[Adjourned to To-morrow, at Eleven o'clock.

Wednesday, 3rd April 1867.

Names of the Members called over;—all present.

Mr. Serjeant *Ballantine* was heard further to address the Committee on behalf of the Sitting Member, and called the following witnesses:

John Gore Jones, sworn; examined by Mr. *Hackett*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

James Conser, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *Macnamara*; re-examined by Mr. Serjeant *Ballantine*.

Mr. *John Bagwell*, a Member of the House, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

Captain *Dudley Byrn*, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

John Fleming, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Macnamara*; re-examined by Mr. Serjeant *Ballantine*.

Robert James Reamsbothom, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

Christopher de Gernon, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Bourke*.

Captain *George Massey Dawson*, sworn; examined by Mr. *Hackett*; cross-examined by Mr. *Ryan*; re-examined by Mr. *Hackett*.

David M'Keogh, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

William Hart, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

Rev. *Francis Cleary*, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

[Adjourned to To-morrow, at Eleven o'clock.

Thursday, 4th April 1867.

Names of the Members called;—all present.

Evidence for the Sitting Member continued.

Rev. *Francis M'Grath*, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

Rev. *Eugene Malone*, sworn; examined by Mr. *Hackett*; cross-examined by Mr. *Macnamara*.

Rev. *Francis Studdart*, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

Rev. *Jonathan C. Head*, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Macnamara*; re-examined by Mr. Serjeant *Ballantine*.

John Francis Cruise, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*.

Rev. *John Skaulan*, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

Morgan John O'Connell, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Bourke*.

Hon. *Martin Joseph French*, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Macnamara*.

James Richard Naylor, sworn; examined by Mr. Serjeant *Ballantine*; produced writs and returns for the Elections for the County of Tipperary in 1859 (General Election); 1865 (March, single Election); 1865 (General Election).

James Whittaker, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Cunningham*.

Rev. *Maurice Power*, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*.

George Frazer, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*; re-examined by Mr. Serjeant *Ballantine*.

On the question being asked, "What is Mr. *Bolton's* position at quarter sessions?"—Mr. *Ryan* objected to the question being put.—Mr. Serjeant *Ballantine* was heard in answer to the objection.

The Committee decided that the question might be put.

John Cunningham, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Macnamara*; re-examined by Mr. Serjeant *Ballantine*.

Michael Crean, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*.

Thomas Strange, sworn; examined by Mr. Serjeant *Ballantine*; cross-examined by Mr. *Ryan*.

Mr. *Macnamara* applied for leave to examine Mr. *Bolton* as to certain matters, which had come out in the evidence affecting Mr. *Bolton's* conduct.

Mr. Serjeant *Ballantine* was heard against the application.

The Committee decided that Mr. *Bolton* might be examined.

George Bolton, sworn; examined by Mr. *Macnamara*.

Mr. Serjeant *Ballantine* was heard to sum up the case of the Sitting Member.

Mr. *Macnamara* was heard in reply, upon the whole case.

[Adjourned to To-morrow, at Eleven o'clock.

Friday, 5th April 1866.

Names of the Members called over;—all present.

Mr. *Macnamara* was further heard in reply, upon the whole case.

Room cleared.—The Committee deliberated.

Motion made, and Question put—"That no such case of general riot at the last Election for the County of Tipperary has been proved as would make the said Election altogether null and void"—(*Sir Philip Egerton.*)—The Committee divided.

Ayes, 4.	Noe, 1.
Mr. Floyer.	Lieutenant Colonel Hogg.
Mr. Morrison.	
Mr. Russell.	
Sir Philip Egerton.	

Resolved (1.)—"That no such case of general riot at the last Election for the county of Tipperary has been proved as would make the said Election altogether null and void."

Resolved (2.)—"That it was proved to the Committee that previous to the last Election for the said county divers of the Roman Catholic Clergy exercised their influence upon their congregations in a manner calculated to prejudice the free choice of the Electors, but that such conduct on their part did not, in the opinion of the Committee, amount to the offence of undue influence, as defined by law."

Resolved (3.)—"That the Hon. Charles White is duly elected a Knight of the Shire to serve in this present Parliament for the county of Tipperary."

Resolved (4.)—"That serious disturbances took place at the last Election for the said county, at the polling places, and in other localities, which materially interfered with the electors tendering their votes."

Motion made, and Question put—"That on the day polling, either in spite or in consequence of the presence of a large force of soldiers and armed constables, riots and tumults occurred at polling places and at other places within the said county; in the course of which the supporters and adherents of Laurence Waldron, Esquire, the defeated candidate, being under the escort of the said soldiers and armed constables, were assaulted, and many of them wounded and put in peril of their lives; but that voters well known to be supporters and adherents of the said Laurence Waldron, Esquire, and not being under the escort of the said soldiers and armed constables, were not molested in reaching the polling places and in recording their votes. The Committee further find that no application was made at any time, at any polling place, to the sheriff or his deputies to adjourn the poll, and that the riots and tumults mentioned were not greater than have commonly accompanied contested Elections in the county of Tipperary"—(Mr. *Morrison.*)—The Committee divided:

Aye, 1.	Noes, 4.
Mr. Morrison.	Mr. Floyer. Lieutenant Colonel Hogg. Mr. Russell. Sir Philip Egerton.

Resolved (5.)—"That the Committee have no reason to believe that corrupt practices have extensively prevailed at the last Election for the said county."

Ordered, To Report the foregoing Resolutions to the House.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Thursday, 28th March 1867.

SIR PHILIP GREY EGERTON, IN THE CHAIR.

Mr. JAMES RICHARD NAYLOR was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

Mr. *J. Naylor.*

28 March 1867.

1. YOU attend for the clerk of the Crown Office?—I do.

2. And do you produce the writ and return for the last election for the county Tipperary?—I do.

3. The election took place on the 20th of October last?—Yes.

4. And resulted in the return of the Honourable Charles White?—The Honourable Captain Charles White.

5. Will you give the number?—Shall I read the return?

6. Yes.—The numbers who voted were respectively, for the Honourable Charles White 3,419, Lawrence Waldron 2,865; the majority for Captain White being 554.

Cross-examined by Mr. *Hackett.*

7. Will you state the date of the issue of the writ?—The writ is dated the 9th of October.

8. And the return?—I have given you the date; the letter and return were received in the Crown Office on the 24th October.

9. Has the sheriff endorsed the receipt of the writ?—Yes. "I certify that I have received this writ of election this 10th day of October 1866.—Edward D. Alton, sheriff of Tipperary."

[The Witness withdrew.

Mr. RALPH CUSACK was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

Mr. *R. Cusack*

10. Do you produce the polling books of the last election for the county of Tipperary?—Yes, I do.

[The Witness withdrew.

Mr. *Ryan* handed Mr. Serjeant Ballantine the lists applied for.

Mr. Serjeant *Ballantine* submitted that those lists were not in accordance with the resolutions of the Committee.

Mr. *Ryan* stated that he had handed in lists of instances, which he intended to prove, of undue influence within the meaning of the sixth resolution.

Mr. Serjeant *Ballantine* stated that, according to the universal practice of Election Committees, the petitioners were not only bound to give the names of the persons alleged to have been intimidated, but the names of those persons who were alleged to have intimidated.

The *Chairman* stated that, before the Nottingham Committee, lists were supplied of the parties who had been influenced and of those who had influenced them.

Mr. *Bourke* stated that, by a short adjournment, the petitioners would be able to amend the lists, and in each of the cases would put down the names of the individuals who were alleged to have unduly influenced the voters.

Adjourned for a quarter of an hour.

Upon re-assembling—

Mr. *Macnamara* handed in the lists as amended.

Mr. JOHN D. O'RYAN was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

Mr. *J. D. O'Ryan.*

28 March 1867.

11. YOU are a Voter for the county Tipperary?—Yes.

12. And one of the petitioners in this case?—I am.

13. And I believe you are vice-chairman of the Nenagh Union in Tipperary?—I am deputy vice-chairman.

14. And you are well acquainted with the county and its politics?—Generally, I am.

15. I will take you at once to the year 1857; do you remember at the general election in that year, Mr. Lawrence Waldron being returned for the county?—I recollect two elections for that county; he was not returned at one contest, but he was the second.

16. He was returned in 1857?—Yes.

17. Then, I believe, in 1859, at the general election, he was returned again?—Yes; I believe so.

18. In the year 1860, was Mr. Waldron appointed a Commissioner of the Board of National Education for Ireland?—I do not know that he was appointed; I know he was expected to have been appointed.

19. Did he act so?—I believe so.

20. In 1865, at the next general election, Mr. Waldron retired from the representation of Tipperary?—Yes, I think so.

21. And on that occasion was Mr. John Dillon started as a candidate in his place?—Yes.

22. Had Mr. Dillon any connection with the county at all?—Not that I am aware of.

23. I believe Mr. Dillon and Mr. Moore were elected in that year?—They were.

24. In the month of September 1866 Mr. Dillon died?—Yes.

25. And did Mr. Waldron become a candidate for Tipperary, and issue his address?—Yes; he did.

26. That was the address which was read by my learned friend, Mr. Ryan; will you look at this (*handing the same to the Witness*)?—

Mr. Serjeant *Ballantine* stated that he admitted the address.

27. Mr. *Macnamara.*] Mr. Waldron referred to Lord Derby in that address?—He did.

28. Now we come to the political state of Tipperary, at about the time when that address was issued; I believe Dr. Leary is Archbishop of Cashel and Emly, in Tipperary?—Yes.

29. Are the Roman Catholic clergy divided into two classes, parish priests and curates?—

Mr. Serjeant *Ballantine* objected to the question.

The *Chairman* stated that the question could be put.

30. Mr. *Macnamara.*] Are you acquainted with the constitution of the Roman Catholic religion?—Yes.

31. Mr. Serjeant *Ballantine.*] Are you yourself a Roman Catholic?—Yes.

32. Not a clergyman and not a priest?—No.

33. Mr. *Macnamara.*] You live in a parish where there are Roman Catholics and priests?—Yes.

34. Are the curates dependent upon their bishop for preferment?—They are, decidedly.

35. Is the influence generally of the priesthood in Tipperary great or small over the people?—It is great.

Mr. Serjeant *Ballantine* contended that the Witness could only prove specific acts, and that it was for the Committee to form their opinion from those specific acts; and he submitted that the examination should not be pursued.

Mr. *Ryan* was heard in support of the line of examination.

The *Chairman* stated that the Committee were of opinion that this line of examination could not be pursued.

36. Mr. *Macnamara* (to the *Witness*).] After Mr. Waldron had issued his address in September last, do you remember a meeting being held at Thurles on the 4th of October?—I do recollect it.

37. Did you attend that meeting?—Yes; I did.

38. Of whom was that meeting principally composed?—It was a mixed meeting of priests and laymen; of the laymen that were electors and non-electors.

39. Do you remember a resolution being proposed at that meeting by the Rev. Mr. Scanlan?—Yes.

40. Is he a parish priest?—He is.

41. For what place?—Toomavara.

42. What was the resolution he proposed?—It was a resolution to invite Captain White to represent the county in opposition to Mr. Waldron's candidature.

43. A resolution in favour of Captain White, and against Mr. Waldron?—Yes; it was to invite Captain White. I think Captain White had not at all addressed the county up to that time.

44. Did Mr. Scanlan say, on that occasion, whose support Captain White would have?—I have not a very distinct recollection of his words, but I think he promised him the general support of the priests and people.

45. Do you remember any one being appointed secretary of that meeting?—I do not very clearly remember.

46. Did you see Mr. Hackett there?—I saw him there; if I do not mistake, there was more than one secretary. I do not remember.

47. Do you remember who were appointed, if there was more than one?—It strikes me, but I will not be positive, that Mr. Kilkelly, of Nenagh, was one.

48. Was Mr. Kilkelly there?—He was.

49. Was Dagan Mahony?—I do not remember.

50. Was Dudley Byrne there?—He was.

51. That meeting took place on the 4th of October; did you afterwards see, in the public papers, resolutions of Dr. Power and his clergy passed on the 9th of October; will you look at that paper (*handing a paper to the Witness*)?—Yes, I saw such as that.

52. Was it published in the newspapers of the county, as far as you are aware?—I think the paper I saw it chiefly in was the Dublin newspaper. I may have seen it in some county newspaper.

53. That is the resolution, read by my learned friend, stating "That at a meeting of the Catholic clergy

clergy of the diocese of Killaloe, resident in Tipperary, held at Nenagh, on Tuesday, the 9th instant, under the presidency of the Right Reverend Dr. Power, Bishop of Killaloe, the following resolution was unanimously adopted: —Proposed by the very Reverend John Egan, P. P., V. G.; seconded by the Reverend Mr. Scanlan, P. P.: Resolved, 'That as the Honourable Captain White was selected by the county meeting, held in Thurles, on Thursday the 4th instant, as the Lberal and popular candidate for the county of Tipperary at the approaching election, and as the principles known to be entertained and advocated by him and his family, and enunciated in his address, command our assent and approval, we, the undersigned parish priests and curates, in conjunction with our reverend bishop, and relying upon the co-operation of his Grace the Archbishop and his patriotic clergy, and the Bishop and patriotic clergy of Waterford in Tipperary, hereby pledge ourselves to exert our most strenuous efforts in our respective parishes to secure the return of the Honourable Charles White at the impending election for Tipperary; and that having unlimited confidence in the fidelity and well-tested patriotism of our devoted people, we hope to secure that victory by a triumphant majority. — + N. Power, Bishop of Killaloe, Chairman." You see the list of signatures to that; do they represent all the parishes of the diocese of Killaloe, in Tipperary?—As far as I know, they do.

54. You see there the name of the Rev. Francis Cleary?—Yes.

55. The Rev. William Maher?—Yes.

56. The Rev. Michael Gleeson?—Yes.

57. The Rev. Hugh Gleeson?—Yes.

58. Were those resolutions, which I have just read, placarded about in that way?—Yes; I saw placards like that.

59. Posted up against the walls?—Yes.

60. Did you see the resolution of the 13th of October, passed by the Archbishop and his clergy; was that also in a public paper?—Yes, I saw that.

61. This states, "At a meeting of the Roman Catholic clergy of the arch diocese, presided over by his Grace the Archbishop, held in Thurles, on Saturday the 13th instant, the following resolutions were unanimously adopted:—Proposed by the very Rev. Dean Cantwell, P.P., V.G., Fethard; seconded by the very Rev. Dr. Howley, P.P., Tipperary:—Resolved, that we adopt the resolutions passed at the county meeting held at Thurles, on the 4th instant. Resolved, that we utterly reject Mr. Waldron's pretensions to represent the county Tipperary; that we pledge ourselves to support the Honourable Captain White, to the utmost of our power, and we call upon the honest electors of the county to vote for him." It is signed Patrick Leahy, Archbishop, Chairman, and a number of clergymen. Do those signatures represent the parishes in the arch diocese of the Archbishop?—That portion of it in the county Tipperary, they do.

62. Do those parishes, and those that were affixed to the signatures appended to the other resolution, represent nearly all the parishes of Tipperary?—Yes, except the portion of it in the diocese of Waterford.

63. Did you see that last resolution placarded about in that form?—I saw it in the paper. I live in the diocese of Killaloe; it is more likely that I should see what belongs to me, than a diocese that is in Cashel; but I saw it in the papers.

64. That last resolution was passed on the 13th of October?—I believe so.

65. On Sunday, the 14th of October, did you attend Temple Derry Chapel?—Yes, I did.

66. Were you there at mass?—I was.

67. Mr. Serjeant *Ballantine.*] Was that on Sunday, the 14th?—It was the Sunday previous to the election.

68. Mr. *Macnamara.*] Who was the officiating clergyman on this occasion?—The Rev. Hugh Gleeson.

69. Did he on that occasion say anything about the approaching election, if so, what?—He spoke a good deal about it, and contrasted the qualities of the two candidates; and concluded by saying that any person voting for Mr. Waldron ought to be ducked in the river.

70. Where was this said?—In the chapel.

71. In the presence of the congregation?—Yes.

72. It was part of the service?—Before mass was over.

73. Had he his vestments on?—Yes, he had.

74. Did you afterwards see the Rev. Hugh Gleeson canvassing for any one; if so, for whom?—I cannot say that I saw him canvassing exactly.

75. Or the Rev. Peter Murphy, his colleague?—I cannot say of my own knowledge that he was canvassing at the time, but I believed him to be.

76. You attended the nomination on the 17th?—I did.

77. Did you intend going on the polling day to Nenagh, to vote?—I did.

78. Did you go?—I did not.

79. Why did you not go?—I was unwell.

80. When did you intend to go to Nenagh, if you had been well?—I intended to go the evening before the polling day.

81. Why were you going on the evening before the polling day?—

Mr. Serjeant *Ballantine* objected to the question.

82. Mr. *Macnamara.*] Was it in consequence of something you heard, that made you resolve to go the evening before the polling day to Nenagh?—

Mr. Serjeant *Ballantine* objected to the question.

Mr. *Macnamara* stated that he would withdraw the question.

83. You ultimately did not go on account of illness?—No.

84. Did you attend the same chapel, Temple Derry Chapel, the day after the election, on Sunday, the 21st?—I attended on several Sundays after the election; I cannot say exactly whether I went the next Sunday; I do not know that I was well enough to go, but I was there on various Sundays following.

85. Did the Rev. Mr. Gleeson and the Rev. Mr. Murphy officiate on those occasions?—They did.

86. Did they on those occasions allude to the election to Mr. Waldron?—

Mr. Serjeant *Ballantine* objected to events being gone into which occurred after the election.

Mr. *J. D. O'Ryan.*

28 March 1867.

Mr. *J. D. O'Ryan.*

28 March 1867.

Mr. *Ryan* submitted that where there had been a previous declaration from a person, and subsequent declarations of the same person, the subsequent declarations should be gone into as explaining the motives of the former declarations.

Mr. Serjeant *Ballantine* was heard in reply.

The *Chairman* stated that the Committee were of opinion that the last question having reference to a time subsequent to the election, could not be put.

87. Mr. *Macnamara* (to the *Witness*).] Do you know whether Mr. Gleeson was at the election?—I was not there; I cannot say of my own knowledge.

Mr. Serjeant *Ballantine* objected to the line of examination.

Cross-examined by Mr. Serjeant *Ballantine.*

88. You have lived for a considerable period in the county?—Yes, I was born there.

89. You have known it 30 or 40 years well?—Yes.

90. It has always returned a Member?—As far as I remember, it has.

91. Has it always returned a Member?—I wish to be safe. I was very cautious in my examination, and I wish to be now.

92. You are in no peril; just tell me this; it has always returned a Member?—I think so.

93. You have no doubt about it?—No, I have no doubt about it.

94. Mr. Waldron originally started as a Liberal when he was first returned?—Yes.

95. Then I have no doubt, for some excellent reason he announced that he should support Lord Derby?—A qualified support, I think.

96. That he should give him a qualified support?—Yes.

97. It was after that, that meeting was convened, the meeting you have spoken of, by a gentleman by the name of Maher?—Yes.

98. Mr. Nicholas Maher?—Yes.

99. He represented the county twice himself?—He represented the county twice.

100. And is a gentleman of very high position and great influence?—Considerable influence.

101. Considerable influence, and considerable position?—Yes.

102. And now of very advanced age?—Yes.

103. But did he convene the meeting on the 4th?—Yes.

104. And he convened it by this hand-bill (*handing the same to the Witness*)?—Yes, that is his name; I should say that is the circular.

105. "To the Liberal Electors of Tipperary" (*reading the same*); when that meeting took place you were present, I understand you to say?—Yes.

106. Who proposed the name of Mr. White?—Father Scanlan.

107. Was he seconded by anybody?—Captain Power Lalor.

108. There was then a great number of signatures of gentlemen of very considerable position in the country. There was one member of Parliament, seven magistrates, four deputy lieutenants, nine parish priests, and 16 whose profession is not described, nearly all men of property in the county?—A good many of them were, but taking the whole county into account, they were a very inconsiderable body to represent it.

109. You mean 30 people is not much out of 10,000?—No, I do not mean that.

110. They were persons of position and property?—Some of them were.

111. Is this chapel you went to, where Mr. Gleeson officiated, the chapel you usually go to, or did you go to hear what he said?—It is the chapel I always go to.

112. It is the one you usually go to?—Yes.

113. It is not unusual for the parish priests in Ireland to address their congregation upon political matters?—No.

114. Latterly there has been scarcely a pulpit in which there has not been some observation about Fenianism?—I dare say so.

115. Are you able to pledge your remembrance to the words he used about "ducking in the river," because it is rather an unusual mode of punishment for a priest to suggest?—I think it is very unusual.

116. Are you quite accurate?—Yes.

117. Are you sure it was water?—Yes.

118. Just tell me what the words were?—He said "any person voting against Captain White ought to be ducked in the river."

Re-examined by Mr. *Macnamara.*

119. You stated that Mr. Waldron in his address, offered to give Lord Derby a qualified support?—That is the way I understood Mr. Waldron's address.

120. You did not withdraw your support from him on account of that address?—No, it rather made me like him; I voted against him on the previous election.

121. Mr. Serjeant *Ballantine.*] You liked him better for it?—Yes.

122. Mr. *Macnamara.*] You attended the nomination?—I attended the second nomination.

123. You said that this meeting on the 4th of October, looking at the town of Tipperary, was but an inconsiderable one?—Yes.

124. Was it a meeting that had a right to speak in the name of the county to those who represented it?—No.

[The Witness withdrew.

Mr. William Clarke was called in; and, having been sworn, was Examined by Mr. *Bourke,* as follows:

Mr. *W. Clarke.*

125. You are a Reporter, employed by the editor of the "Clonmel Chronicle"?—Yes.

126. Is that paper published in Clonmel?—Yes.

127. Do you know a paper called the "Tipperary Free Press"?—Yes, I do.

128. Have you got any copies of it?—I have not with me now.

129. Just look at that, if you please (*handing a paper to the Witness*); is that a copy of the "Tipperary Free Press"?—Yes, it is.

130. What is the date of it?—Friday evening, 12th October 1866.

131. Does that contain the resolutions of the 9th of October, alluded to already?—Yes, it contains one resolution.

132. Two

132. Two resolutions; read them, if you please?—"At a meeting of the Catholic clergy of the diocese of Killaloe, resident in Tipperary, held at Nenagh, on Tuesday the 9th instant, under the presidency of the Right Rev. Dr. Power, Bishop of Killaloe, the following resolution was unanimously adopted:—Proposed by the very Rev. John Egan, P.P., V.G., seconded by the Rev. Michael Scanlan, P.P.: Resolved, that as the Honourable Captain White was selected by the county meeting, held in Thurles, on Thursday the 4th instant, as the Liberal and popular candidate for the county of Tipperary at the approaching elections, and as the principles known to be entertained and advocated by him and his family, and enunciated in his address, command our assent and approval, we, the undersigned parish priests and curates, in conjunction with our rev. bishop, and relying upon the co-operation of his Grace the Archbishop, and his patriotic clergy, and the Bishop and patriotic clergy of Waterford, in Tipperary, hereby pledge ourselves to exert our most strenuous efforts in our respective parishes to secure the return of the Honourable Charles White at the impending election for Tipperary, and that having unlimited confidence in the fidelity and well-tested patriotism of our devoted people, we hope to secure that victory by a triumphant majority.—N. Power, Bishop of Killaloe, Chairman."

133. Are there any other signatures there?—Yes, a number of others.

134. Is that a copy of the "Tipperary Free Press," of the 16th of October (*handing the same to the Witness*)?—Yes, it is.

135. Are there any resolutions in that paper?—Yes; "At a meeting of the Roman Catholic clergy of the arch diocese, presided over by his Grace the Archbishop, held in Thurles, on Saturday the 13th instant, the following resolutions were unanimously adopted:—Proposed by the Very Rev. Dean Cantwell, P.P., V.G., Fethard; seconded by the Very Rev. Dr. Howley, P.P., Tipperary: Resolved, that we adopt the resolutions passed at the county meeting held at Thurles on the 4th instant; Resolved, that we utterly reject Mr. Waldron's pretensions to represent the county Tipperary; that we pledge ourselves to support the Honourable Captain White to the utmost of our power, and we call upon the honest electors of the county to vote for him.—Signed, Patrick Leahy, Archbishop, Chairman; R. Cahill, P.P., and John Ryan, P.P., Secretaries."

136. And many others?—Yes.

137. Did you see placards containing both sets of resolutions placarded throughout the county?—I saw placards to the effect of the resolutions I have read.

138. Was that one of the placards (*handing the same to the Witness*)?—Yes, that was one.

139. You attended the election in Clonmel?—I attended the nomination.

140. Did you see Mr. Power there?—Which Mr. Power? Mr. *W. Clarke.*

141. Mr. Edmund Power.—Yes.

142. Did you see Mr. Strange there?—I saw him in court. 28 March 1867.

143. Was that where the nomination took place?—Yes.

144. What did you see him do?—Nothing; I did not see him do anything particular.

145. Did you see him afterwards at all during the election; did you see him the polling-day?—Yes.

146. Where did you see him on the polling-day?—In one of the booths in Clonmel.

147. What was he doing in one of the booths?—I think he was acting there in his professional capacity.

148. As what?—As agent.

149. For whom?—Captain White.

150. Did you see Mr. Hackett on the polling-day, or during the election?—Councillor Hackett do you mean?—

151. Yes.—I saw him in the Court-house also, on the day of nomination.

152. In Clonmel?—Yes.

153. Did you see him afterwards?—Yes; I think he was there on the polling-day also, for a part of the time.

154. Do you recollect what part he took?—I understood him to be acting as agent also.

155. Mr. Dermot O'Donoghue?—Yes, I think he was there as agent for the same gentleman.

Chairman. We have not had one direct answer from the Witness yet.

156. Mr. *Bourke.*] Give your answer more distinctly. Did you see Mr. O'Donoghue that day?—I cannot be certain of that gentleman; I cannot give you a decided answer; there were a large number there; all their faces were familiar to me.

Cross-examined by Mr. Serjeant *Ballantine.*

157. Have you got a report of the nomination; it was reported in your paper, I believe, very correctly?—I have not got the notice of it.

158. Is your paper the "Clonmel Chronicle?"—Yes.

159. A staunch Conservative paper?—Yes.

160. I need hardly ask you if that is a true report of the proceedings which took place?—I believe that it was a correct report.

161. You reported it yourself?—I was one of the reporters.

162. As far as you went, it is correct?—As far as I went, it is correct; and I believe the others. I was present throughout.

163. Can you say it was all correct?—I believe it is all correct.

164. It is all correct?—I believe it to be a correct report.

[The Witness withdrew.

Mr. PHILLIP MAGUIRE was called in; and, having been sworn, was Examined by Mr. *Ryan,* as follows:

165. YOU reside at Tourean, in the county of Tipperary?—Yes. Mr. *P. Maguire.*

166. You are in the commission of the peace for that county?—Yes.

167. Were you attending the Clonmel quarter sessions on Monday, the 15th October last?—Yes.

168. The day but one before the nomination?—It was on the Monday.

169. I believe you were about to return to your house by the train that leaves Clonmel at four o'clock?—Yes.

170. Did you come up to the station a little before

Mr. *P. Maguire.*

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before the train started?—Yes, some time before it started.

171. You know Mr. Edmund Power, conducting agent for Captain White?—Yes.

172. He is an attorney in considerable practice, residing near Clonmel?—Yes.

173. Did you see Mr. Power on the platform at the Clonmel station on that occasion?—He came there after I was there.

174. Are you able to remember any other persons who were there at that time?—Yes.

175. Just state their names?—There was Mr. Dennis O'Brien.

176. Is he a justice of the peace also of the county?—Yes.

177. Who else?—The Rev. Mr. Gordon was there.

178. Anybody else?—Mr. Thomas Ffennell was there, and several other people were there; several other persons.

179. Do you remember Mr. Power stating anything with reference to the coming election?—Yes.

180. Just state what Mr. Power said in reference to the coming election?—The first thing that occurred was, that I made use of an observation to him, saying to him, in a kind of chaffing, that they had no money on that side, as they had not any agents employed; all the solicitors were employed on the other side. And he turned round, and said, "We have the best agents in the world," pointing to three Roman Catholic clergymen on the platform, and I made answer, "Oh yes, indeed."

181. After that had occurred, what more did he say in reference to the coming election?—There were several conversations from one party and another; one saying, we would have the election, and another, saying, they would have the election. He said then, "he did not care; that they would carry the election either by intimidation or coercion, as he did not care for a petition, because, before that could be heard, there would be a dissolution."

182. Was Mr. O'Brien near enough to hear that, as well as yourself?—He was standing nearer than you are to me.

183. Whereabouts was Mr. Thomas Ffennell standing at the time?—That I cannot say.

184. You can only say that he was there?—He was on the platform; I cannot say exactly where he was; but Mr. O'Brien was next to me.

Mr. *Ryan* stated that, with the permission of the Committee, he would recall the Witness at a future time to give evidence as to violence and intimidation.

Mr. Serjeant *Ballantine* stated that he would reserve his cross-examination until the Witness would be heard on other parts of the case.

[The Witness withdrew.

DENNIS O'BRIEN, Esq., was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

D. O'Brien, Esq.

185. ARE you a Justice of the Peace for the county Tipperary?—Yes; I am.

186. Do you know Mr. Edmond Power?—Yes; I do.

187. On the 15th of October last, were you at the railway station at Clonmel?—I was.

188. Who was present, do you recollect, besides yourself?—Mr. Philip Maguire; I was speaking to him.

189. Was Mr. Thomas Ffennell there?—I saw Mr. Thomas Ffennell, but I am not sure whether he was present at the conversation I heard.

190. Did you see him at the station?—I saw him.

191. Did you see Mr. Edmond Power there?—I did.

192. Did Mr. Power say anything with reference to the coming election at Tipperary?—Yes.

193. Will you state what it was he said?—He had been in conversation, I think, with Mr. Maguire; but the observation that caught my attention was, "I intend to carry this election by every means of intimidation in my power." Mr. Maguire exclaimed, "Oh! oh!" and Mr. Power said, "I do, because before the petition can be tried, there will be a general election."

Cross-examined by Mr. Serjeant *Ballantine.*

194. You had not heard the commencement of the conversation, had you, with Maguire?—Those were the first expressions that caught my attention.

195. Then I may conclude by that answer, that you had not heard the earlier part of the conversation?—No.

196. It was perfectly well known, was it not, that Mr. Power was the agent of Captain White?—Yes.

197. And you gentlemen were pretty well all of you friends of Mr. Waldron?—I was.

198. And you knew that the last witness, Mr. Maguire, was?—Yes.

199. And the others also were his friends?—On the platform on that occasion?

200. Yes.—I cannot say about the others.

201. I ask you, and from your position I expect a fair answer, do you mean to convey to the Committee that these observations were made seriously?—Yes; I do.

202. With no chaffing whatever?—None whatever.

203. It began with no chaffing?—Those were the first observations that caught my attention.

204. They not only appear to be the first, but the only ones?—The only ones that caught my attention.

205. Did you notice that there was any chaffing going on?—No.

206. Had you heard anything about what was the price of a vote?—No; not a word.

207. Where were you standing?—I was on the platform close in front of the entrance to the ticket-office.

208. Did Mr. Power see you?—Yes.

209. He could not help seeing you?—No; not when those remarks were made.

210. He could not help seeing you?—No.

211. He knew you?—Yes.

212. And he also knew that you were a friend and supporter of Mr. Waldron?—I cannot say that.

213. He knew that you were a supporter of Mr. Waldron?—I cannot say that.

214. Did he know that you were a Conservative?—I do not know.

215. Do not you know whether he did or not?—I cannot say.

216. How

216. How long have you lived in the county?—Since I was born.

217. And you always voted that way?—I only voted once before in my life.

218. For whom did you vote then?—For a Conservative candidate.

219. Mr. Power was an agent for a Liberal candidate?—The other occasion upon which I voted was a great many years ago; long before I knew Mr. Power.

220. You say that what was said was said seriously?—Yes.

221. To intimidate you?—I took it as such, to intimidate me personally.

222. Do you mean that you think he intended to intimidate you and Mr. Maguire, and the rest of the party who were there?—I thought it was meant to intimidate me.

223. To frighten you?—To prevent me from taking any part in that election.

224. To frighten you out of doing your duty?—I cannot say yes to that.

225. Do you mean, upon your oath, to say that you think that was the intention?—Yes.

226. You believe it was said to intimidate you?—I do.

227. You think when he announced publicly that it was his intention to win the election by every means of intimidation, that gravely also?—Yes.

228. What was his motive for doing that, do you think?—To intimidate me.

229. Therefore he announced, generally, that he intended to obtain the election by intimidation, for the purpose of intimidating you?—Not to intimidate me alone; but that observation I took to myself.

230. You took it to youself, did you?—Yes.

231. What do you mean by saying that you had no idea whether he knew what politics you were?—I had no reason to know previously to that. I dare say Mr. Power knew very well.

232. You think he did?—Yes.

233. Why did not you tell me so when I asked you?—I said I did not know whether he knew my politics.

234. You said Mr. Power did not know that you were a supporter of Mr. Waldron; that is what you said in express terms?—He had no reason to know that I should support Mr. Waldron.

235. Why should he want to intimidate you?—Perhaps, supposing I would.

236. From the look of you, he supposed that you intended to support Mr. Waldron, and meant to threaten you?—Possibly; I do not know that.

237. Is that what you mean to be recorded?—That is my sworn evidence.

238. And you believe it seriously?—I think so, when I have sworn to it. *D. O'Brien, Esq.* 28 March 1867.

239. I hope you were not frightened?—It did not prevent me.

240. You were not intimidated?—I was not intimidated.

241. Then you did vote?—I did vote; I was not intimidated, because I was aware that there would be ample protection for me.

242. And you brought up all your tenantry?—Yes; nearly.

243. Lord Waterpark's tenantry; did you bring up his tenanty?—No.

244. Only your own?—More than my own.

245. Were you an agent of Mr. Waldron?—No.

246. What had you to do with bringing up the voters?—I brought up voters who were disposed to vote for the candidate that I would support.

247. What did you do it for; were you an agent?—No.

248. You did it simply out of friendship; is that so?—Yes.

249. Had you been active in canvassing?—No, not generally, the tenants who paid me rent.

250. The tenants who paid you rent, you took up?—No; I expressed to them my wish, that if they were not engaged to support anyone else, I would be glad if they would vote with me for Mr. Waldron.

251. You all went up together?—To Clonmel, yes.

252. Do you know a gentleman of the name of Warburton, a magistrate?—Yes.

253. Was he present at this conversation?—No.

254. You say that with certainty?—No, I do not say it with certainty; my impression is, that he was not.

255. You said "no" so positively?—On the moment. I remember that I saw him repeatedly on the platform; whether he was present or not I cannot say

256. Ffennell, you say, was present?—No, I did not say so; I did not say whether he was present at the time the observations were made; I saw him on the platform.

257. Is Ffennell here?—Yes.

258. In the lobby?—Yes.

Re-examined by Mr. *Macnamara.*

259. Had you given Mr. Power any reason to suppose that you would vote for Mr. Waldron, before he said that?—No.

[The Witness withdrew.

Mr. Thomas Ffennell was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:—

260. You are a Land Proprietor, and reside in the county Tipperary?—Yes. Mr. *T. Ffennell.*

261. Whereabouts do you reside?—I reside at a place called Ballybrailg.

262. Were you at Clonmel on the 15th of October?—I do not remember the day of the month.

263. Was it some days before the election?—It was the Monday before the election.

264. Was Mr. O'Brien on the platform of the railway station with you that day?—He was a short distance from me, part of the time, when I was talking to him.

265. Was Mr. Maguire there?—Yes, he was.

266. Was Mr. Power there?—Yes.

267. Do you recollect a remark of Mr. Power on that occasion?—I do.

268. Will you state to the Committee as shortly as you can, what took place with reference to that remark?—That is, the remark itself.

269. Yes, the remark itself?—I was standing close to the ticket door, and Mr. Power walked in,

Mr. T. Ffennell.

28 March 1867.

in, and as he walked in, when he saw me and others, he said, "I will knock down every man I can who votes for Waldron."

270. What else?—"I will smash every car, and cut the traces, bringing in Waldron's voters."

271. Was anything else said?—He passed on a few yards, and spoke to Mr. O'Brien and Mr. Maguire. I heard a few words, but I do not distinctly recollect what he was saying to them; I could not take it upon myself to say what he said.

Cross-examined by Mr. Serjeant *Ballantine.*

272. You are very well known as a supporter of the Conservative party?—I believe so.

273. You know that, do not you?—Yes.

274. You make no concealment of your politics?—Indeed I do not.

275. And you have no doubt that Mr. Power knew it?—I am quite satisfied he did know it.

276. Do you mean to represent to the Committee that this was said in earnest?—I really cannot say.

277. You have said something about it before, and you will give it me again to-day?—I expressed an opinion in Clonmel to Mr. Power, to say I could not tell whether he was in earnest or not.

278. Did not you say it was all chaffing?—No, I do not recollect saying that. I am positive almost, I did not say that it was all chaff; what he said it for I could not tell.

279. I am treating you with a belief that you will answer me fairly. Have not you said that you considered it all a matter of chaff?—I don't recollect having said that.

280. Just recollect it, you would not wish to convey any erroneous idea; had you the least doubt in the world that it was chaff in your own mind?—In my own mind at the time, it was said Mr. Power seemed to me to be in a good humour, rather a laughing humour, and knowing that there were other Conservatives on the platform as well as myself, I thought it was at the time very likely to be merely a joke or chaff, but afterwards I did not think so.

281. That was your impression at the time?—At the time it was my impression that he was in a good humoured joking way, he did not say it in an angry mood or anything of that kind.

282. You saw him when he came in?—Just as he came in the door on to the railway I saw him.

283. He had had no conversation with Mr. Maguire before he spoke to you?—I think not, as far as I could judge, he had not.

Re-examined by Mr. *Ryan.*

284. You know what is called in Ireland "half joke, whole earnest;" you afterwards heard of the traces being cut at certain places?—Yes.

285. And you then came to the conclusion that it was earnest, and not a joke?—Yes, I came to the conclusion that those persons were prompted by some one or other to break those cars.

Mr. Serjeant *Ballantine* objected to the course of re-examination.

286. Mr. *Ryan.*] Was that the time you heard that the traces were cut, and the cars smashed?—Yes.

[The Witness withdrew.

[Adjourned to To-morrow at Eleven o'clock.

Friday, 29th March 1867.

SIR PHILIP GREY EGERTON, IN THE CHAIR.

Mr. ADAM PRIOR, was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

Mr. *A. Prior.*

29 March 1867.

287. YOU are Proprietor of the Nenagh Guardian Newspaper?—Yes.

288. Did you a few days before the 5th of October last, receive the manuscript of a circular purporting to be signed by Dr. Power?—Some time before that.

289. Do you produce the manuscript of the circular?—Yes (*producing the same*).

290. Is that a manuscript of a circular, dated 5th of October 1866?—Yes.

291. That is the one which you received, signed by Dr. Power, the Bishop of Killaloe. "I am anxious that the clergy should meet together to decide as soon as possible upon the course they should pursue at the approaching election for the county." From whom did you receive that circular?—From Mr. Kilkelly.

292. Mr. James Kilkelly the attorney?—Yes.

293. Did he give you any directions with reference to it?—He told me to get 30 copies printed for him.

294. Did you do so?—Yes.

295. Did you deliver them to him after you had them printed?—Yes, they were delivered to him.

296. In whose handwriting is that manuscript?—In Mr. Kilkelly's handwriting.

297. The signature and all?—Yes, all I think.

298. Did you see placards posted about Nenagh, containing the resolutions passed on the 9th of October and the 13th of October?—Yes.

299. Were you in Nenagh upon the following day, the 20th of October?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

300. I do not quite understand the way in which this commences; "Rev. Dear Sir;" to whom was this addressed?—I do not know, it is all I received from Mr. Kilkelly.

301. Was it published in your paper?—No.

302. What did you receive it for?—To get circulars printed.

303. You were employed confidentially to do it?—No.

304. No concealment?—No.

305. It was done quite openly?—Yes.

306. Of course you would not have produced it if there had been any confidence?—No, unless I was compelled to do so.

307. You have not been compelled?—I was summoned over to attend the Committee.

Re-examined by Mr. *Macnamara.*

308. You printed the circulars, and sent them to Mr. Kilkelly?—I got them printed for him.

[The Witness withdrew.

THOMAS BUTLER, Esq., was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

T. Butler, Esq.

309. YOU are in the Commission of the Peace for the county Tipperary?—Yes.

310. And you reside in the neighbourhood of Golden?—Within three miles of Golden.

311. What place of worship are you in the habit of attending?—The Kilmoila Roman Catholic Chapel.

312. You are a Roman Catholic?—Yes.

313. What is the name of the officiating clergymen there; were you at the Golden Chapel on the 14th of October?—I was at the Golden Chapel the Sunday before the last election for Tipperary.

314. Do you know the Rev. Thomas O'Connell?—Yes.

315. Was he the officiating clergyman at mass when you attended that day?—He was.

316. Do you remember after mass the Rev. Mr. O'Connell addressing the congregation?—Yes.

317. Where was he standing when he addressed the congregation after mass?—On the altar steps in the chapel.

318. How was he dressed at the time?—He was in a black soutane and a cap.

319. Was it the cap worn by the clergymen of that Church in the performance of their duty?—Yes, occasionally.

320. Will you be good enough to state to me the substance of what you remember of that address to the congregation after mass?—It was principally in abuse of the neighbouring proprietors, and supporters of Mr. Waldron, at the coming election.

321. Will you tell us what he said, the words as well as you remember, in reference to the election?—He was aware that some parties in the neighbourhood had been convassing for Mr. Waldron, and that they received promises from some of the electors to support him at the coming election; he then told the people that they were in no way bound to those promises, and that even if they had taken their solemn oaths to support Mr. Waldron, they were bound to break them.

322. Do you remember anything further that he said?—He told them that in voting for Mr. Waldron they would be voting against their conscience, their country, and their creed.

323. Do you recollect any reference made to Captain White, as contrasted with Mr. Waldron?—Yes, he stated that Captain White was a Protestant;

T. But'er, Esq.

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Protestant; but even if he was a heretic, or an infidel, they should vote for him in preference to Mr. Waldron.

324. Did you observe upon that address so made by Mr. O'Connell, anything amongst the people?—Yes, there were groans occasionally, and cheers, and a clapping of hands.

325. At what time were the groans?—At different parts of the address, and particularly towards the finish.

326. And the cheers?—In the same way, at different parts of the address.

327. I want to know this; will you say at what parts of the address it was when the groans took place; what called forth the groans?—When allusion was made to Mr. Waldron of course there were groans.

328. And when reference was made to Mr. White?—It was generally received with cheers.

Cross-examined by Mr. Serjeant *Ballantine.*

329. You mentioned that you were in the Commission of the Peace, but my learned friend did not ask you what was your profession?—I am a land agent.

330. Have you any connection with Mr. Waldron?—I manage some 12 or 13 properties in the county, and I manage Mr. Waldron's amongst others.

331. You are agent of Mr. Waldron's property?—Yes.

332. I suppose a good deal more was said about Mr. Waldron than you have stated; I suppose some reason was given?—Yes; I think the address lasted some 20 minutes or half-an-hour.

333. Was any allusion made to his change of politics?—Yes.

334. You omitted to mention that?—I did not think it very important.

335. The people in your country do?—The people in my country do not trouble themselves much about politics.

336. Whether they change their politics or not?—They do not trouble much about politics; the lower orders do not.

337. You do not think the fact of a man being a Liberal at one Parliament and a Tory in the next, makes any difference now?—I do not know exactly what you mean by Liberal.

338. Do you know what a Tory is?—No; I do not.

339. Then your ignorance is equal; was an allusion made to any change of politics?—Yes.

340. The objection that he had to him was that he had changed his politics?—Yes.

341. And I believe they were rude enough to call him a turn-coat, and I am afraid that expression was reasonable?—I do not remember it.

342. Something very like it?—Very likely.

343. Before Mr. Waldron had changed his views, had you heard him spoken of from the pulpit by any of the clergy on former elections?—Before he changed?

344. Yes?—I am not aware that he changed his views at all.

345. Are you aware that he met with support from the clergy on former occasions; from the Roman Catholic clergy?—Yes, from some of them.

346. And that observations were made from the pulpit in his favour?—I do not remember that.

347. Do you mean to say that you cannot remember?—I do not remember whether it was from the pulpit.

348. Have you heard them in the church?—No.

349. From the clergy anywhere?—I do not remember it.

350. From the platform from the clergy?—No.

351. I understood you to say that you had heard it?—In private conversation I had.

352. In this election Mr. Waldron was supported by the landlords mainly; was he supported by the landlords?—By a certain proportion he was.

353. By the Conservative landlords?—No; certainly not.

354. Was there one single exception upon the Conservative side?—One single exception?

355. Yes?—I suppose there were half-a-dozen exceptions.

356. He was substantially supported by the Conservative landlords?—I think that the Liberal and Conservative landlords were joined very much in supporting him.

357. Was he supported by the Conservative landlords as a rule; this is a particular exception; you must know what I mean?—I would not say so.

358. I perceive you will not if you can help it, but I want you to do it?—I think he was supported by the Liberal Conservatives as well as the Conservatives.

359. Was he supported by the Conservative landlords as a general rule, yes, or no; was he supported generally by the Conservative landlords?—He was supported by some of the Liberal landlords in the county as well as the Conservatives.

360. Was he supported by Conservative landlords?—He was to a certain extent.

[The Witness withdrew.

Mr. Robert Pratt, was called in; and, having been sworn, was Examined by Mr. *Cunninghame,* as follows:

Mr. *R. Pratt.*

361. You are a tenant of Joseph Griffiths, Esq.?—Yes.

362. Mr. Griffiths resides at Hosmere?—Yes.

363. You hold land from Mr. Griffiths?—Yes.

364. Do you hold it by lease?—I have had it for 50 years.

365. Do you recollect the Saturday previous to the day of the last election for Tipperary?—Yes.

366. The 19th day of October?—Yes.

367. Do you remember what day of the month the polling day was?—I scarce do.

368. Do you remember the night before the day of polling?—I do.

369. On that night some voters were left at your house?—There were about 30 of them.

370. State what occurred on the following morning; the morning of polling?—I went down as far as the public-house; the priest was there, and there was a great lot of people, 200 or 300; he

he had a whip in his hand, and by the whip, says he, a man who has gone to Thurles, shall never come back alive.

371. What was the name of the old man?—Mr. Frank Cleary.

372. How did the voters go from your place?—They were escorted by lancers.

373. How did they travel?—In cars. Then there was two men that the priest wanted to bring of his own party, and he desired the mob to bring them dead or alive to him.

374. Mr. Serjeant *Ballantine.*] Of his own party?—Yes.

375. Mr. *Cunninghame.*] What were the names of these men?—John Fitzpatrick and John Guider.

376. After the priest had said that, what was done?—Nothing was done after.

377. Did not some person offer the priest a car?—Yes; Maghar offered them a car to go after, and then the priest did not go at all; then they met them a little further up the road; there was a cross road; Martin Maghar offered the priest a car.

Cross-examined by Mr. Serjeant *Ballantine.*

378–9. You are a tenant of Mr. Griffiths; who is your landlord?—Mr. Griffiths.

380. Were was these 30 voters that you had to take care of, tenants of Mr. Griffiths?—They stopped at my house that night.

381. Are they tenants of Mr. Griffiths?—Some was, and more was not.

382. How many were?—I think there were eight, or 12 it may be.

383. Who asked you to take care of them?—Mr. Griffiths sent them to the house to me.

384. To be taken care of?—They were on the road to meet the cars.

385. Did you lock them up?—No; I had no occasion to lock them up.

386. You had other means of keeping them?—Not a ha'porth.

387. You do not mean you starved them when they were there?—No.

388. They were well taken care of?—Middling.

389. I want to know where it was that Father Cleary said what you say he did?—At Charley Reynold's house. Mr. *R. Pratt.* 29 March 1867.

390. Who is Charley Reynolds?—He is a tenant of Mr. Griffiths; but he keeps a public-house.

391. Then it was at his public-house, was it?—Yes.

392. When did you first tell anybody about this; when did you first mention this to anyone?—It may be the day or two after.

393. What did you say about it, anything?—I said nothing, only what I told you now.

394. The 30 went off to vote?—Yes.

395. And they have come back?—Yes.

396. Quite well?—Some of them had got raps with stones before they came back.

397. None of them were much hurt?—None of them was pelted with rotten apples.

398. Did they take a supply of rotten apples with them?—I do not know where they got them from; they were Templemore lads.

399. You were not much frightened, were you?—I was not.

400. Did not you vote?—I have not a vote.

401. All these tenants had got back to their families?—Yes.

402. Those who had got any?—Indeed, they got back.

Re-examined by Mr. *Ryan.*

403. Did you see any of them after they came back?—I see a couple of them that came in; I was in bed.

404. Did you see any of their heads cut?—I could not see them when I was in bed, supposing they were cut up.

405. Mr. Serjeant *Ballantine.*] If they were cut, you did not see them?—No.

406. Mr. *Ryan.*] You were in bed when they came?—I was.

407. You did not see them?—No.

408. Mr. Serjeant *Ballantine.*] There were at least 30 there?—Yes, there were 30.

[The Witness withdrew.

THOMAS CRAWFORD, was called in; and, having been sworn, was Examined by Mr. *Bourke,* as follows:

409. WHERE do you live?—I live at Fontfield, the post-town of Templemore. *T. Crawford.*

410. Are you a farmer?—Yes.

411. On the morning of the 20th of October did you proceed from Templemore to Thurles?—Yes.

412. Did you go there to vote for Mr. Waldron?—Yes.

413. Did anybody come with you?—Yes.

414. Who were they?—A gentleman that came to my house the night before from the new neighbourhood of Roscrea, a Mr. Rowe.

415. Anybody else?—I met many there; many came with me from Templemore by train.

416. Were they voters?—Yes, they were.

417. We will not speak about what happened at Templemore, but go on to Thurles. Will you state to the Committee what happened, to the best of your recollection, when you arrived at Thurles Railway Station?—After getting out of the train, and going out where the guard of soldiers were to escort us, we were assaulted by a party of people outside the railway gate.

418. Did you see anybody whom you recognised amongst that mob?—Yes.

419. Who in particular?—Captain Byrne.

420. Dudley Byrne?—Yes.

421. Had you seen him before that morning?—I saw him in Templemore.

422. Now, go back to Thurles; when you saw him at Thurles amongst the people, whom you say assaulted you, did you hear him say anything?—I heard him call on the mob that was with him to fall in the rear.

423. What did the mob do when the words were used by Mr. Dudley Byrne?—They gathered together.

424. Did they go to the rear?—Yes, they went to the rear, and he desired the Toryites to go in the front.

425. You say the mob assaulted you there; describe what they did?—They commenced pelting and boxing, and they knocked down a man that was next me.

426. Was that at the railway station?—At the

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the railway station; we were standing in the centre of the dragoons at the time.

427. Did you go on in front of them?—The dragoons were moving on quietly, we were in the centre of them; this Byrne's party were behind, shoving us on, and striking us as we went on.

428. Did Byrne say anything at that time about either of the candidates; you knew who the candidates were?—He desired the Honourable Captain White's men to fall in the rear.

429. Had you any difficulty in getting up to the poll?—Every difficulty.

430. How far was it from the railway station to the booth, where you wanted to poll?—Better than a quarter of a mile; it took us a good deal of time, the crowd was so great pressing upon us going up, to get through.

431. Had they sticks?—There were a great many of them armed with sticks. I do not say they all were.

432. Was Captain Byrne with them all this time?—He was.

433. How long did it take you to get this quarter of a mile?—I could not form an opinion.

434. About?—I should think it took us half an hour to get there; as we were going on to the court the crowd was getting larger and larger against us.

435. You told us that you saw one man knocked down?—Yes.

436. Do you know the man who knocked him down?—I do not, he was one of the men who was with Captain Byrne, for he rushed in on us.

437. Eventually you polled?—I did.

438. For whom did you poll?—I polled for Mr. Waldron.

439. Did you stay in the town long that day?—I think we were kept for an hour and a half in the tally-room, before we could get the escort to take us to the Court-house, where we had to vote.

440. Eventually you had the escort to take you across?—Yes, there were two magistrates, and they applied several times to the stipendiary magistrate to form the way across the street, by placing the dragoons and police inside, so that we could go across to the court.

441. Was a dragoon near you when you came up to the booth; when you approached the tally-room was there a dragoon near you?—I had hold of him by the stirrup of his saddle; several other voters were in like manner; we were so knocked about between the pressing of the dragoons outside and forcing the mob on us, it was by that means that a great many of us could be walked to the court.

442. The tally-rooms you spoke of, were they opposite the poll booths?—Yes, they were; the Court-house was through the tally-room right opposite.

443. And a narrow street dividing the two?—Barely room for two cars in the centre, and a little pavement both sides of the street; it is seven or eight yards wide from the one place to the other.

444. Did you see Mr. O'Mara there that day?—What O'Mara?

445. Mr. Valentine?—I think I did.

446. You are not quite certain?—I think I saw him in the Court-house yard.

447. After voting, you went back to the railway station?—I did, after some time.

448. Did anything happen to you there?—I got struck with a stone while I was sitting in the railway carriage, which knocked out four of my teeth.

449. Did that render you insensible?—It did.

450. *Chairman.*] While you were in the railway carriage?—While I was sitting on my way home in the carriage.

451. Mr. *Bourke.*] Was there a mob there at the time?—Yes.

452. Were they shouting?—Yes.

453. Were they doing anything else?—I did not see them do anything at the time; I was sitting in the carriage, and I thought I was safe.

454. Was anybody else hurt during that time; anybody struck?—Not at that time; I was sitting by myself in the carriage at the time the train was open.

455. At any other time of the day did you see anybody else struck?—I saw several.

456. What were they struck with?—Stones and sticks.

457. Do you recollect their names?—Yes; Mr. John Kennedy was struck after landing first in Thurles; he was struck with small stones, puddle, and dirt, in the face, and at the back of the head.

458. Was he a voter?—He was.

459. Was anybody else there?—A man by the name of Thomas Maher, knocked down with a heavy stick.

460. Anybody else you know?—I saw a man by the name of Dennis Mackey, a voter, knocked down; they were all walking with me at the time.

461. Did you see a man by the name of Carden on that day?—I saw Captain Paul Carden struck at the railway door, as he was coming in; then the soldiers came.

462. What occurred to Captain Carden?—I was sitting on a chair by the fire when the rush came with a party of dragoons, who were escorting the men after voting; the station was on one side, and they had to cross the railway, from where they came in, to get to the railway station to wait for the carriage going; and when the dragoons left them a big wall was there, and the parties were on the platform; the moment they got them out they beat them and hunted them across into the door; when Captain Carden was coming in there were two men coming in after him, and both of them struck him as he came into the railway door; I jumped off the chair, put my hands against the man and held him off; I turned round and fought with the men that were fighting him until I put them out of the station.

463. Did you see Kennedy there?—Yes; John Kennedy.

464. Did anything happen to him?—I saw him struck in the neck with a stone.

465. Where was that?—That was on his return.

466. Was Mr. Kennedy with you in the morning?—Yes; I travelled with him on to Thurles.

467. Was he with you at Templemore?—Yes; we went in the door together.

468. Now go back to Templemore for a moment. When you arrived at the station, at Templemore, did you see Dudley Byrnes?—I did.

469. Kennedy was with you?—He was.

470. What Did Dudley Byrnes say to you that morning?—He came up to the carriage door, and he said to Mr. Kennedy, "By the piper that

that played before Moses, Kennedy, when you get to Thurles you will not have the same tune to tell that you have now."

471. Were any people with him at this time?—There was a crowd of people on the platform that went up with him to where we were.

472. What was the conduct of that body of people?—After saying that he called upon the people to give a cheer for the Honourable Captain White, which they did.

473. You then started off for Thurles?—A very short time after the train moved, and we went on to Thurles.

474. Did any of these people go with you to Thurles, beyond the people that were with Captain Byrne?—I saw them after the cheering was subsided. I put my head out of the carriage to see if they were all getting into it. I was in one of the front carriages, and I saw them all getting in, as far as they could; that is, a great number. I cannot say all went, a great number did go.

475. Were there any of these people that you saw at Templemore that morning, or amongst the mob, who assaulted you at Thurles?—Yes.

476. When you got to Thurles, was there any person of your party who was not a voter; I do not mean those who came with Captain Byrne, but your party?—There was one gentleman in the carriage with us who was not a voter; he came over with a friend of his. *T. Crawford.* 29 March 1867.

477. Were the rest voters?—All the rest were voters.

Cross-examined by Mr. Serjeant *Ballantine.*

478. And they all did vote, did not they?—I am not aware.

479. To the best of your knowledge; I only ask you that; is there any one here who was in that row who did not vote, or do you know anybody who was prevented from voting?—There were different booths, and one party was in one booth and another in another.

480. I am very sorry for what occurred to you; do you know of any one person who was in that row who was prevented from voting?—No, I do not.

[The Witness withdrew.

Mr. VALENTINE O'MARA, was called in; and, having been sworn, was Examined by Mr. *Macnamara,* as follows:

481. ARE you an Attorney?—Yes.

482. Living near Thurles?—I did live near Thurles, near Templemore; I live at present in Tipperary.

483. You acted as one of Mr. Waldron's agents at the last election?—Yes.

484. At Thurles the Court-house was the place for polling?—It was.

485. And opposite to the Court-house, on the other side of the street, were the tally-rooms of Mr. Waldron?—Yes; and also of Mr. White, next door.

486. And was it your duty, at Thurles, to attend at the tally-rooms of Mr. Waldron?—Yes; I had the general supervision.

487. Was it part of your duty to see that the voters were conveyed, as safely as they could be, from the tally-rooms to the polling-place?—Yes.

488. I believe the street there is very narrow?—Yes, quite narrow.

489. About what time of the morning of the polling day, the 20th of October, did you go to the tally-rooms?—I went a few minutes before eight in the morning to see that they were opened.

490. At that time, what was the condition of the street?—At that hour the street was perfectly deserted.

491. When did it begin to fill?—I think about 11 o'clock.

492. Did it then become very crowded?—Very.

493. About that time did some voters arrive for Mr. Waldron, about 11 o'clock?—I am not sure as to 11; between 11 and 12 they came by train.

494. Were you at the time they arrived standing at the gate of the Court-house where the polling was going on?—I was.

495. What did you see happen in the first place to those voters at Waldron?—I saw them hustled about, and pulled here and there; and some of them pulled into Mr. White's tally-room, and mud thrown at them, and stones.

496. Was there at the time a very large mob assembled?—Indeed there was. *Mr. V. O'Mara.*

497. In fact, was the street quite taken possession of?—Between the voters, and the military, and the mob there, it was chock full.

498. Did some of those get into the Court-house yard; some of the voters?—Yes; they rushed in in a body.

499. Did any of the mob come in after them?—They were not allowed in.

500. Did you try to get any of them across to the tally-rooms?—Yes.

501. When you tried to do it, what happened?—They refused to go.

502. Did they appear to you to be in a state of alarm?—Very much so.

503. Were you able to get them across to the tally-rooms?—Certainly not; I could not induce them.

504. Did you desire to go across yourself for the purpose of performing your duty as agent?—To discharge my duty I desired to go.

505. Were you able to go across yourself?—I did not try.

506. Why did you not try?—I was in dread to go; I wanted to avoid it.

507. How long did you remain there without attempting to cross to the tally-rooms?—I did not cross from after 12 o'clock.

508. Until what hour?—I did not for the balance of the day.

509. Were there other agents of Mr. Waldron there besides yourself?—Yes; but they were engaged in the booth.

510. Were you able to discharge your duties as agent on account of this mob that was crossing in this way?—No, certainly not.

511. What did you see the mob doing from time to time during the day when any voters appeared?—Rushing on them and driving them about, and pelting them with mud and stones, covering them over quite, some of them.

512. From what you saw, can you say from your own knowledge, whether or not voters were interfered with in the exercise of their franchise who

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who were anxious to vote for Mr. Waldron?—Two or three parties told me that they did not vote.

513. From what you saw, and according to your own knowledge, are you able to say, whether or not they were interfered with?— I could not from my own knowledge, except what they told me.

514. You say you saw some of them being dragged into Captain White's tally-rooms?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

515. Have you a vote yourself?—Yes.

516. Are you a voter?—Yes.

517. Did you vote?—Yes.

518. About what time?—Probably about three o'clock.

519. That was in the very worst time of the day?—No.

520. Had it quieted?—We were quiet about three o'clock; the excitement was over, and all the people had been in.

521. About three o'clock they were quiet?—All the voters probably had been in.

522. Were they quiet at three?—There was great excitement outside.

523. You took the opportunity when they were quiet to go in and exercise, what my learned friend calls, your franchise?—I was inside; we were all protected when once inside the Courthouse yard.

524. You say there were voters who refused to go, because they were afraid; just name any one voter who refused to go?—I cannot tell you the names.

525. Then when you say there were voters who refused to go, you were Mr. Waldron's agent, and knew these people; name any one voter who refused to go?—There were three or four dozen voters who came from Dundrum, refused to go.

526. Name one single voter who refused to go?—If I had the list I could tell you; James Ryan, who was killed.

527. That prevented his going?—No; it was afterwards he was beaten.

528. Did you think that I was asking that question, or did you merely put in that answer because it was convenient; I am not asking you who was killed; I ask you who refused to vote?—James Ryan refused to go across.

529. Is he the man you say is dead?—Yes.

530. I do not want the dead man but the live one, because we can hear a live man?—I do not know the people personally; he was the only person I knew from the Dundrum District.

531. You could only mention one person, and he is dead?—I knew Thomas Ryan personally.

532. He is dead?—Yes.

533. You cannot mention a single live man?—No, but I spoke to numbers.

534. You cannot give the name of one of them?—That was the only one I knew personally from that district.

535. You said if you had a list you could give me some names; you have got it now; I want to test the fact; give me the name of any one person who refused to go because he was afraid?—I applied to numbers, but James Ryan I applied to in the presence of a number of his neighbours; he was the only person I knew personally.

536. What number is James Ryan on the register; I will not detain the Committee by that; we will find it; if you hand the list to me, I will find it?—I knew the man well; I think that is it; it is No. 619.

537. Another question; you say there were some voters pulled into Captain White's booth; can you name one of them; can you name a single voter who was pulled into Captain White's booth; you are still upon Ryan?—No, I am not.

538. Can you name a single voter who was pulled into Captain White's booth?—I could not.

539. Not one?—I do not know the names.

540. You cannot give me the name of one?—No.

541. You acted upon former elections?—I did.

542. Against Mr. Waldron?—Yes.

543. For whom?—For The O'Donoghue.

544. You had a bit of a row then?—We had.

545. It was not so over pleasant then, was it?—It was not very pleasant.

546. You had quite as much a row as you had here on that occasion?—Yes.

547. Was it quite as bad as this?—It might have been.

548. It was, was not it?—Very likely it was.

549. But in your judgment was it so bad?—I think it was.

550. You were on the popular side that time?—Yes, I was.

551. Did you mean to imply about Thomas Ryan that he did not vote?—I think he did vote; I wanted him to go back into the tally-room to put him on the tally paper.

552. Do you know if this man did vote?—I do not know it as a fact.

553. Do you believe it?—I suspect so.

554. What do you mean by suspecting?—I dare say he did.

555. What do you mean by you believe, you dare say?—I do not know the facts.

556. Do not you know that he voted?—I do not.

557. Have you any doubt about it?—If you say he did ——

558. No, I will not?—I can form no opinion one way or the other.

559. Do you swear that you can form no opinion one way or the other as to whether he voted?—No, I do not.

560. You have no idea?—If I had an idea it is that he did vote.

561. You have no idea that he did vote?—No.

562. That you swear?—Yes.

563. It is upon the notes; you gave the name of that man as having been deterred from voting?—I did not; but that he was deterred from going across to the tally-room; I asked him and the others to go over to the tally-room to put their names upon the tally papers, and they refused to go.

564. They refused to go to the tally-room, but they did vote?—I dare say they did.

565. You have an idea that they did?—Yes.

566. That is, if you have an idea, you think they did?—Yes.

Re-examined by Mr. *Macnamara.*

567 Whether Ryan voted or not, was he afterwards killed during the election?—Yes; I heard so.

568. You have been asked about the former election

election of The O'Donoghue, when there was some rioting?— Yes.

569. Was any man killed on that occasion?—I think not.

570. You think no man was killed on the former occasion?—I do not think that there was.

571. The learned counsel asked you whether you were able to vote; if I understand, you were detained at the Court-house where the polling was going on?—I was not detained; I remained there.

572. You remained there, and there was no difficulty, as far as you were concerned, in voting?—Of course not.

573. You have been asked as to the names of those whom you say were afraid to go over with you to the tally-room; were you personally acquainted with the men before you saw them on that occasion?—No; they came with Colonel Purefoy.

574. You were not personally acquainted with them, and you did not know their names?—No.

575. You have been asked, also, as to the names of those who were taken into Captain White's tally-rooms; were those persons unknown to you personally before that occasion; had you seen them before to know them?—I think I did, but really the excitement was so great, that I forget all recollection about their names.

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576. The excitement was very great?—Yes, at the time; I knew some of them, probably. I am sure I did.

577. Whether you remember the names or not, you are positive that some of them were afraid to go over to the tally-rooms, and did not go on that ground?—They expressed themselves so to me.

578. Are you also positive that some of them were taken into Captain White's tally-rooms, whether you recollect their names or not?—I am.

579. Mr. Serjeant *Ballantine* (through the *Committee*).] Was the persons you mentioned, Ryan, of Capper-white?—No, it is No. 619.

580. Is he of Capper-white?—No, but of Glenpodeen.

[The Witness withdrew.

Mr. Robert Shore, was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

581. You are a Constable in the constabulary force in Ireland?—I am Head Constable.

582. You remember the 20th of October, the polling-day at Thurles?—I do.

583. Were you there on duty on that day?—I was.

584. How many men had you with you?—I had about 30 men at the front gate of the Court-house.

585. At about what o'clock in the morning did you take your position at the Court-house with your 30 men?—As well as I can recollect, about eight o'clock.

586. That is about the time the polling-booths opened?—Yes, about that time.

587. Did you see a large mob in Thurles that day?—I did.

588. Did you see them about the Court-house, where you were placed with the men?—Yes; about the gate and about the streets by the Court-house.

589. At about what hour did you first observe the mob?—From the time I was there, a few minutes afterwards, from the commencement of the polling up to the close of the polling, and afterwards.

590. Did you see persons coming to vote for Mr. Waldron?—I did.

591. Did you see the mob do anything?—I saw them throwing stones, and sticks, and eggs, and dead cats in some cases.

592. Did you see any persons struck?—Yes, several.

593. In the discharge of your duty, did you endeavour to make way for the persons to get to the polling-booth?—I did everything I could, as well as the men who were with me; I had only to keep the passage at the gate open.

594. Did you find that an easy duty to perform?—We could not perform it except through the assistance of the dragoons, they rode up and down and dispersed the people.

595. Were any of the men under your charge struck?—There were a good many of them; I was struck myself.

596. With what were they struck?—They were struck with stones and mud, and with rotten eggs in some cases.

Mr. *R. Shore.*

597. Do you remember any of the men under your charge in particular in the Clare police; they are under your charge?—Yes.

598. Do you remember anything in reference to them?—Many of them were badly cut in the head with stones and sticks, and they were obliged to be taken off duty.

599. They were not able to continue their duty?—No.

600. Do you know where Mr. Waldron's tally-rooms were?—I believe I do; I think they were on the opposite side of the street; as well as I recollect, the voters came from that direction.

601. As the voters were coming from the tally-rooms to the polling-booth, did you see what you describe done to them?—I did.

602. Did this sort of thing go on for the most part of the day, or was it at intervals, or how did it take place?—It went on every time a batch of voters came across the street; they were attacked in that way.

603. A batch of whose voters?—Mr. Waldron's voters, as far as I can understand.

604. Did you hear that mob shout at all?—Yes; they shouted and groaned.

605. For whom did they shout?—They were shouting for Captain White, and groaned for Mr. Waldron.

606. Were you at any time of day obliged to charge the mob?—No, not at the gate, but at night we were, after the polling was over.

607. Did you see the dragoons going up and down?—Yes, frequently during the polling time.

608. In addition to these voters and the police you describe as being struck, do you remember any gentlemen of position?—I saw Mr. Gore Jones struck, a resident magistrate.

609. The stipendiary magistrate?—Yes.

610. You saw him struck?—Yes; I saw an old gentleman struck and knocked down, and I heard him say that he was Mr. Lanigan; they say that he had his eye knocked out.

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611. Mr. Lanigan of Castlefogarty?—I do not remember the name of the place.

612. You saw him knocked down?—I did.

613. As to what took place in the night, did you and your men remain on duty?—Some of the men remained much later than I did, and some were taken off sooner; I was kept on myself till about a quarter past eleven.

614. On that night?—Yes, from five in the morning till eleven at night.

615. Do you remember anything about the mob, among themselves?—I was called to disperse the mob between the market place and the police barracks; they were trying to get into some house; they were fighting among themselves about money; some of them saying they did not get what they were entitled to.

616. That is, their pay, I suppose?—I do not know.

617. They were quarrelling among themselves about money?—I heard some man say, I do not recollect his name, that he was keeping the money, or something of that kind.

618. Were you obliged to charge the mob, at any period of the day?—Not in the day.

619. At any time?—At night, in the streets, we were obliged to charge them; they threw stones at us.

620. Did you load?—I did not load, some of the men with me had loaded before.

621. Had you your sword bayonets fixed?—We had.

622. How many years have you been in the force?—I am upwards of 23 years in the force, nearly 24.

623. Have you seen many contested elections?—I have been at a good many contested elections during that time.

624. Did you ever see so much violence as you saw on that day, at any election?—I don't think I did; I do not think I saw any stones thrown.

Cross-examined by Mr. Serjeant *Ballantine.*

625. Were you the constable in command?—I was the head constable in command; there were two officers there.

626. Officers of the constabulary?—Yes.

627. What is your position in the constabulary?—Head constable.

628. Who were the officers who were in command?—There were two strange officers, one was Mr. Ward, and the other Mr. Tiddy.

629. Were they there constantly throughout the day?—Yes, they were there backwards and forwards about the place.

630. They were both there during the day; you say some of your men loaded; they had no right to do it; they had no orders to do it?—I did not load; they had loaded before they went up the street.

631. You did not hear any orders to load?—No.

632. You saw Mr. Gore Jones there; is he a stipendiary magistrate?—Yes.

633. Was he there in his official capacity?—I believe he was.

634. Was he there pretty well the greater part of the day?—He was; I think he went frequently to escort voters.

635. That person of the name of Lanigan that you spoke of, is Lanigan up here?—I do not know the gentleman; he is an old gentleman. I heard the name of Lanigan mentioned.

636. You know nothing more?—No; they were shouting for Captain White, and they were groaning for Mr. Waldron's voters, and throwing stones.

637. Those were Mr. White's supporters, but what were Mr. Waldron's voters doing; you do not mean to say that they were quiet; do you mean to say that Mr. Waldron's supporters did nothing?—I did not see them do anything, except some gentlemen were bringing over voters.

638. You heard no cries on Waldron's side?—I did not.

639. They were quite quiet?—I did not hear a cry.

640. They were mild and quiet, notwithstanding the bad treatment?—They were trying to save themselves.

641. They were trying to save themselves, but they were quite quiet?—Yes.

642. They made no remonstrance?—No, except to complain to the police.

643. They did it in the mildest possible way?—They were mild.

644. You hardly ever saw voters so mild under any such circumstances, they were quite examples?—I did not see them say or do anything.

645. You do not hear Mr. Waldron's voters say anything, or see them do anything?—No.

646. You were keeping your eye on the other side?—I was trying to keep the passage open, that was my duty.

647. Was not Mr. Molarty there?—I saw him come there occasionally; he was very little there.

648. He is your sub-inspector?—He is sub-inspector of the town; I saw him there two or three times.

Re-examined by Mr. *Ryan.*

649. You were the person in command, and remained there the whole time?—I was not in command.

650. You were the senior person there; you remained longer with the force than anybody senior to you?—Yes; I never left the gate from the commencement of the polling till about an hour afterwards.

651. Any of the officers who were superior to you were moving about the town?—Yes, they had other parties of men whom they had to superintend.

[The Witness withdrew.

Mr. Alexander Andrew Butler Daburgh, was called in; and, having been sworn, was Examined by Mr. *Macnamara,* as follows:

Mr. *A. A. B. Daburgh.*

652. You live in Templederry?—I live at Templederry.

653. You are a voter for the county?—Yes.

654. Having landed property there?—Yes.

655. On the polling day of the last election for Tipperary, the 20th of October, did you proceed to Thurles with several voters?—I did.

656. Do you remember coming to the railway bridge which is close to the town of Thurles?—Yes.

657. When

657. When you got there, what happened to you and your party; you were proceeding to vote for Mr. Waldron?—We were proceeding to vote for Mr. Waldron, and when we passed the railway bridge in Thurles the mob attacked us with stones, sticks, and other missiles; I received a strike of a stone on the back of the head, and was stunned for the time.

658. You were struck with a stone, which rendered you insensible?—Yes.

659. Before you were struck, had you seen other parties struck?—No, they seemed to have the point on me more than others.

660. When you recovered from the blow, what did you do?—I got off the car, and told my party to remain with me, that we would endeavour to force our way through the crowd to the polling place; another volley of stones were flung at us, and all my party dispersed.

661. About how many were there of your party when you started?—My party consisted of 14 or 15 voters when I started.

662. You say that after this volley of stones, they were dispersed?—Yes, except two who remained with me.

663. Had you any policemen trying to protect you at this time?—I forced myself up to the beginning of the square in Thurles, and they became more violent, one party pressed the other party on to me; I called to the police to assist me, or I would be murdered, and three policemen seized me by the shoulders and prevented me being forced on by the mob, and we forced our way till we got to the court-house.

664. Did only two of your party remain with you at that time?—Only two or three, I think, remained with me at the time, and three policemen.

665. Did you then endeavour to cross over to Mr. Waldron's tally-rooms at the court-house?—Several times.

666. When you endeavoured to do that, what happened?—I was beaten back each time; Mr. Ryan, the stipendiary magistrate, told me that I had better remain in the court-house, or if I appeared again I should cause so much excitement that there might be life lost.

667. You were beaten back when you attempted to pass?—Yes.

668. In what way?—Stones were thrown at me, and sticks were brandished over my head, and the crowd rushed at me when I retired into the court-house again; I was met at the court-house door by another party, I forced my way in, and remained in the court-house for some time.

669. In consequence of that, you gave up attempting further to go to the tally-rooms?—Yes, I could not have done it, it was impossible, I think.

670. How long did you feel yourself compelled to remain under the police protection?—From that period, about one o'clock in the day, till next morning, Sunday morning, in Thurles.

671. And of the party that accompanied you on that occasion, do you know whether any of them afterwards, on that day, voted for Captain White?—I do not know personally.

672. Was one of those who accompanied you of the name of John Ryan?—John Ryan, Boular.

673. And Pat. Ryan?—Pat. Ryan, Larry.

674. Dennis Walsh, was that another?—Yes, a tenant of mine; 648, John Ryan, Cooleen, this is one.

675. Now Pat. Ryan, what number is that?—Patrick Ryan, of Cooleen, 757.

676. Now Dennis Walsh?—Eight hundred and forty-one.

677. Did those three, John Ryan, Pat. Ryan, and Dennis Walsh, start with you in the morning to vote for Mr. Waldron?—They did.

678. Were those three separated from you at the time when you said the assault was made upon you?—They were.

679. Did you see them again during that day yourself?—I think I did.

680. After the voting was over?—I cannot swear, but I think I did see them on that day.

681. Was it after the polling was over, or before?—After the polling was over.

682. Did you see them again before the polling was over?—I think not.

Mr. *Macnamara* inquired whether it was to be taken as admitted, that John Ryan, Pat. Ryan, and Dennis Walsh voted for Captain White.

Mr. Serjeant *Ballantine* stated that it was not.

Cross-examined by Mr. Serjeant *Ballantine.*

683. Whose tenants were these three?—Peter Ryan was Mr. Parker's tenant, and John Ryan also Mr. Parker's tenant.

684. And Denis Walsh?—My tenant.

685. What did you say the name of the magistrate was who spoke to you; a Mr. Ryan also?—Mr. Fitzgerald Ryan; he is resident magistrate of the county of Limerick.

686. He told you your appearance caused too much excitement?—Yes.

687. Did he tell you why?—I do not think so; the mob were so much opposed to the part I took in favour of Mr. Waldron.

688. And a good deal opposed to you also?—I cannot say.

689. That is the fact, is it not, that, rightly or wrongly, you were not popular with the mob?—Not on that occasion.

690. Do you mean on other occasions you are?—I am popular in my own country, I think.

691. Can you understand why the magistrate should say to you particularly, that your appearance caused so much excitement?—Because I headed the party in favour of Mr. Waldron.

692. Had you voted for Waldron before?—Not before this.

693. Whom did you vote for before?—The last election I voted for Mr. Moore, of Tipperary, and I believe I gave a half vote for another.

694. You never voted for Mr. Waldron before?—I have no recollection.

695. You do not mean that for an answer?—I was not in the country at the time Mr. Waldron was returned.

696. Did you ever vote for Mr. Waldron before?—I do not recollect.

697. Do you mean to say to the Committee that you cannot recollect whether you did or not?—I cannot tell, because I do not recollect.

698. You mean exercising the franchise in that county, you do not recollect for whom you voted?—No, except the last election for Mr. Moore.

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699. You have no recollection except of the last election?—Yes.

700. You mean really to state that you do not know whether you voted for Waldron or not?—I do not know whether I voted for Mr. Waldron when he was Member for the county before or not.

701. You have not the least idea?—Not the least idea.

702. You have not the least idea whether you voted for Waldron or not?—No.

Re-examined by Mr. *Ryan.*

703. Mr. Moore was on the Liberal side that you voted for before?—I think I gave Mr. Gill and Mr. Moore a half vote each.

704. By the *Committee.*] Did the men of your party who were dispersed by the mob, vote?—I cannot say, for I was so stunned after; I merely made an effort to get to the booth and record my vote; and I only saw one of the party.

705. You do not know whether they voted or not?—No; they were dispersed from me, and Walsh and the two Ryans said they voted for Captain White through intimidation.

706. Mr. Serjeant *Ballantine* (through the *Committee*).] What were the names of the people that were with you; can you give me the names; you have given three names; you had altogether about 14, I understand you, with you; give me the other names?—I do not recollect all the other names, but I gave them in the brief which I gave the agent. I think I may have them here; I do not recollect. The first was Thomas Quinlan.

707. Do you know the number?—By Jove, I have not the number.

708. Give the names?—John Shee, Paddy Quinlan, Thomas English, Pat Quinlan, John Ryan, Bolar, then Patrick Ryan Ryan, and Dennis Walsh, Thomas Ryan Martin, James Ardall, he is a tenant of me. James Russell was at the fair, Templemore; he did not accompany me; he came afterwards, and told me that he voted, but I did not see him, for Mr. Waldron; that is all I recollect.

[The Witness withdrew.

Captain Richard Cooper, was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

Captain *R. Cooper.*

709. You reside in Northamptonshire?—Yes.

710. You have a property in the neighbourhood of Thurles?—I have.

711. Are you yourself a voter for the County Tipperary?—I am.

712. Did you go over to Ireland to attend the election in October last?—I did.

713. Did you go to Thurles as your polling district?—I did.

714. Where did you go from?—I went from a house called Lisheen, usually the seat of Mr. Lloyd.

715. How far is Lisheen from Thurles?—Between five and six miles.

716. By whom were you accompanied on that occasion?—I was accompanied by 20 troopers.

717. Were there any voters along with you?—Yes.

718. How many voters were there with you?—I think they brought about 34.

719. Were you a supporter of Mr. Waldron?—I was.

720. Were you and these 34 voters to vote for Mr. Waldron?—Yes.

721. At about what time did you leave Lisheen in the morning?—Shortly after eight.

722. You said you were accompanied by some troopers?—Yes.

723. Was it from Lisheen, in the first instance, that they came to support you?—Yes, the men refused to go unless they had Dragoons.

724. Were there any of the police force along with them?—Yes, there were some mounted police and the stipendiary magistrate, Mr. Gore Jones.

725. Did anything occur on your way from Lisheen to Thurles?—Nothing occurred until we reached the town of Thurles, except that we were hissed, and that sort of thing, and that is quite legitimate.

726. When you got to Thurles, what happened?—We had great difficulty, when we got off the cars, in getting into the tally-room, and after the votes were tallied the mob tried to keep us in the tally-room, to prevent us going to the polling-booth.

727. The tally-room was across the street from the polling-booth?—Yes.

728. Are you able to say how long you were detained in the tally-room waiting in your endeavour to get across to the polling booth?—After we left the tally-room?

729. How long were you detained in the tally-room before you could get across?—I should think about 10 minutes.

730. What was going on during that time outside?—They were pushing and hustling us, and trying to keep us in.

731. Did you hear the mob say anything, or shout?—Yes, they were shouting, "Here's Cooper's tenantry"; "Down with Cooper and Waldron," and shouting for White.

732. How did you effect your passage from the tally-room to the court-house ultimately?—I forced my way as well as I could; I had a stick in my hand.

733. Were the troops and police about?—Yes, there was more than a troop of Dragoons and several mounted police, and a great many of the constabulary, and a company and a half of infantry.

734. Could you have got across except for that?—No, it would have been utterly impossible; all order was at an end.

735. Did you see any of the mob with anything in their hands at the time?—A good many sticks.

736. Did you see any stones?—No, I did not see any stones.

737. Did you see anybody struck on that occasion?—I was struck myself twice, and my bailiff was struck and saved me from a blow.

738. With what were you struck?—With a stick; on one occasion I was pelted a good deal with

with mud, and received rather a severe blow on the neck, and a blow on the shoulder besides.

739. But you were struck yourself?—Yes, twice.

740. What was the name of the man struck also?—Michael Mara.

741. What time did you leave Thurles that day?—We wanted to get back as early as we could to try and keep things quiet, and we went in early to avoid the crush, but we were not able to leave; I did not leave till past 11, I should think.

742. At night?—No, in the morning; we got in at nine; I myself got out about that time, and some of the tenantry got out about that time.

743. Did you go back to Lisheen the same route you came?—No, we were afraid to do that, because, from information I received ——

744. You did not go back the same road as you came, from information you received?—No, I did not.

745. How did you go back?—I had to go back another street, and take a line across country, across some fields into the road, and then I got on to my own property and got back to Lisheen.

746. Did you, on that occasion, see any Roman Catholic clergyman in the town of Thurles?—Yes; the first thing that struck me as rather extraordinary in the polling-booth was a priest, who seemed to be presiding over the affairs; when I went into the room he left it; perhaps he was the gentleman who was reported to have sent on the armed mob.

747. What was he doing?—He was doing nothing except appearing to be presiding.

748. Did you see any Roman Catholic clergymen in the street?—Yes, a good many.

749. What were they doing?—They did not seem to me to be doing anything.

750. But you saw them there?—Yes.

751. Did you see any people with them as they were then?—They were mixed up with the people more or less.

752. Did you see them there about the time this hustling and striking went on?—Yes.

753. About how many, could you tell the Committee, were there; how many Roman Catholic clergymen did you see in the town of Thurles through the day there in the manner you described?—I should be afraid to say; a goodish many; there is a Roman Catholic College at Thurles, and I may have mistaken some of the students for priests, but I certainly swear there were more than a dozen about the place that were beyond all doubt priests, on account of their age.

754. Too old to be students?—Yes.

755. Do you yourself reside at all in Ireland in a portion of the year?—I generally go over there every year.

756. Your permanent residence is in England?—Yes.

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Cross-examined by Mr. Serjeant *Ballantine.*

757. How long are you in Ireland, as a general rule?—Generally for the fishing season.

758. How long does that take?—Perhaps from May till the end of August; sometimes I am there September and October, and I have been there the whole year.

759. Your family are there?—Yes.

760. Not there during your fishing season?—No, I travel about generally by myself; I have no residence in Ireland.

761. All the men you brought up polled?—Yes, I believe they all polled.

[The Witness withdrew.

Colonel Edward Bagwell Purefoy was called in; and, having been sworn, was Examined by Mr. *Macnamara,* as follows:

762. You are Vice-Lieutenant for the county of Tipperary?—I was during one time.

763. And you are brother to Mr. John Bagwell, the Member for Clonmel?—Yes.

764. You have large landed property in Tipperary?—Yes, pretty well.

765. On the morning of the last election for Tipperary, did you proceed with some of your tenants to Thurles, to vote for Mr. Waldron?—Yes.

766. Were there other tenants of yours also in your party?—Yes, there were a large number of Lord Hawarden's tenants also.

767. I believe you went by railway from Dundrum to Thurles?—Yes, we had a special train.

768. State what happened when you got out of the train at Thurles?—Directly the train drew up at Thurles, I saw that the platform was completely in possession of the mob, armed with sticks and shouting in a great state of excitement; the minute the doors of the carriages were opened, we were attacked, and we had to fight our way out of the station; I was not struck myself, but several were.

769. Did you see several struck?—Yes, I saw several of the people struck.

770. You saw several struck?—Yes

771. While this was going on did you see the Rev. Mr. Power, the Roman Catholic priest, there?—Yes, he was in the train with us.

772. At the time when your party was being attacked in this way, did you hear him say anything?—No, I did not.

773. Where was he at the time this was going on?—He was on the platform.

774. You say you had to fight your way out of the station; did you manage at last to get up to the polling place?—Yes; after we got out of the station there was not much done to us; then the rest of the way up they only shouted out and pelted with mud, but there was no damage done.

775. Do you remember three voters who went that day to vote for Mr. Waldron, John Ryan, Dennis Ryan, and John Hogan; do you remember those by name?—No, I do not remember them; there were 20 people named Ryan with me; they are all Ryans in that part of the world.

776. After you had voted, on your returning to the train, will you state what happened?—After I came out of the court-house after voting, I got a blow from a woman who was standing inside the court-house door; in fact, the whole inside

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inside of the rails of the court-house was given up; there was no attempt made to keep a passage there. I took hold of her and handed her over to the police; previous to this, most of the people who had gone with me had found their way down to the station. I told them to go down by themselves quietly; I thought that was better than going in a body, and having another fight for it; three of my tenants remained behind, and would not go till I went myself.

777. Did they go with you?—Yes, they went with me; passing down the market place we were pelted from the moment we left the court-house, but not injured in any way; we got down to the market place, and there was a mob of several hundreds there; 300 or 400 closed in round us, and of course we were perfectly helpless; a man who was with me, of the name of Ryan, walking arm in-arm with me, was struck several blows, from which he died.

778. What was done with him? — He was struck on the head; I saw him struck myself; he died, I believe, about a fortnight or so afterwards.

779. Was his name James Ryan?—Yes.

780. He was a respectable farmer in the neighbourhood?—Yes, he was a very respectable man indeed; he lived on my property; and there was another man named Saddler, also a large farmer in that neighbourhood; he was with me; he was struck, and his face much cut, but he was not permanently injured; the other man, another Ryan, James Ryan, also a young man who was with me, I do not think he was injured much; he might have been struck. I am sure these three men saved me; if it had not been for them, I believe I should have been murdered. I have not the slightest doubt about it. I know the attack was made upon me personally.

781. Were you at one time obliged to seek refuge in a public-house?—Yes, the three men dragged me into the public-house at the corner, and just as they were pulling me in, I happened fortunately to look round over my shoulder, and saw a man taking a deliberate aim at my head with a stick nearly as thick as my wrist; it would have killed me stone dead. I had time to put up my stick; he struck across my stick and smashed my hat on to my head, but he did not hurt me; we got into the house and we got the door shut to, and there was an iron bar to the door; the mob then smashed the windows, and tried to get in, and the people in the house made us go up under the slates, where we remained for over an hour, till the military came down and took us out.

782. What is the name of the place where James Ryan lived?—He lived at a place called Glenpaden.

783. How did you get out of the public-house?—There was a young man in the house who knew me, and he came after we had been there a considerable time, and said he would go with any message I liked to send him with, and I sent him with a card of mine up to Mr. Jones, the stipendiary magistrate, requesting that he would come down to release us, which he did.

784. With an escort?—He had the escort of the Scotch Greys, and some police.

785. In that way were you able to get away?—Yes, we were; we were pelted all the way down; I got a blow on the shoulder with a stone, which if it had hit me on the head would have hurt me very much; when we were with the troops the stones were falling like a shower.

786. Was there a voter of the name of John Fitzgerald with your party?—Yes, he went with me to Thurles.

787. Do you know whether he voted for Mr. Waldron?—I only know what he told me himself.

788. Do you know whether he voted or not?—I do not know; John Fitzgerald, of Glencarberry, No. 288 on the register.

789. It appears by the polling-book that John Fitzgerald, No. 288, of Glencarberry, voted for the Honourable Captain White; you tell us that he was one of the voters who left with you to vote for Mr. Waldron?—Yes.

790. Mr. Serjeant *Ballantine.*] Does it mean that he was ordered to vote for Mr. Waldron?—He came with Mr. Waldron's party.

791. Mr. *Macnamara.*] Was he separated from you in the course of the row?—I suppose he was; I could not see everybody.

Cross-examined by Mr. Serjeant *Ballantine.*

792. Why should not John Fitzgerald vote for whom he liked?—There is nothing in the world to prevent him voting.

793. There is no reason why he should not?—No.

794. Whose tenant was he?—Mine.

795. He told you he was obliged to vote by being kidnapped?—Yes.

796. Is he a Roman Catholic?—I suppose he is.

797. I suppose it was necessary to make some sort of apology to you?—No.

798. Did any other of your tenants vote the wrong way?—I think there were two or three.

799. Did they tell you?—No. I never asked Fitzgerald; he came of his own accord to me, and told me that he was kidnapped.

[The Witness withdrew.

William Power, Esq., was called in; and, having been sworn, was Examined by Mr. *Cunninghame,* as follows:

W. Power, Esq.

800. You are a Doctor?—Yes, a Surgeon.

801. A medical doctor?—A surgeon.

802. Did you know James Ryan, of Glenpaden?—Yes.

803. Do you remember having been called there to attend him?—Yes.

804. What was the matter with him?—There was an extensive abscess on the left side of the head.

805. When were you called on to attend him?—On the 22nd of November.

806. How long was it after the day of the polling?—A month and two days; I believe he told me so.

807. Can you state what was the cause of that abscess?—Injury of any sort would cause such an abscess.

808. Would

808. Would that injury be likely to be caused by the blow of a stone?—It would.

809. How long did you attend him?—To the 1st of December, the day of his death.

810. Can you state what was the cause of his death?—My opinion is, that he died of congestion of the brain.

811. By what was the congestion caused?—Blows would cause such congestion.

812. I believe you gave evidence to the same effect at the coroner's inquest?—I did.

Cross-examined by Mr. Serjeant *Ballantine*.

813. There was another doctor attending him?—Yes; I saw him once in consultation.

814. He differed from you in your opinion?—No.

815. What is his name?—Russell.

816. Was not there a Mr. Maceo attending him?—Not that I know of.

817. Congestion of the brain is a matter that can be caused by a variety of things?—Yes.

818. He was an old man?—I do not know his age; he was something more than 50.

819. You cannot tell nearer than that, can you?—From 50 to 55, I should think.

820. You mentioned an abscess, and you say he died by congestion of the brain; was there any relation between the abscess and the congestion of the brain, of which he died?—I do not believe there was.

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821. And with regard to congestion of the brain, that is an internal something, and as far as I understand you, there was no outward cause for it?—There was no fracture.

822. There was no outward cause that would cause the congestion?—There was no fracture.

823. Congestion of the brain may be caused by many matters when there is no fracture; a shaking might cause it?—Yes.

824. There was, in point of fact, no external appearance to account for it?—No.

Re-examined by Mr. *Ryan*.

825. As a matter of fact, might not the blow of a stone, without causing fracture, ultimately cause congestion of the brain?—Yes.

826. You say that he was a man beween 50 and 55?—I should say so.

827. Apparently, but for this, what was his general health?—He was a powerful strong man, and apparently healthy.

[The Witness withdrew.

FRANK SHEPPARD, Esq., was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

828. YOU are an Attorney, living at Roscrea?—I am.

829. Is that in the Thurles district?—Yes.

830. Did you act as agent for Mr. Waldron at the last election for Tipperary?—One of them.

831. On the polling day, were you in Thurles?—I was.

832. Were you in the polling booth during a portion of the time?—Yes.

833. A large portion of the time?—Yes.

834. And you could see what was going on outside?—Occasionally I went out.

835. When you went out, will you state what was going on outside; what you saw after eleven o'clock, say?—A great deal of noise in the street, and a mob.

836. A very large mob?—It was a narrow street, leading up from the Court-house; and at times the mob appeared to fill it.

837. What was the mob doing?—Shouting; they had sticks; I did not go out into the street myself.

838. Did you see that many of them had sticks?—They had.

839. Did you see any stones thrown?—I did not, myself.

840. Where were you during a portion of the day?—I was part of the time in the polling booths; I was called out on two or three occasions by gentlemen who came in on Mr. Waldron's interest.

841. Were you applied to at all for protection?—I was.

842. In what state were some of those who applied to you?—Their coats were covered with mud, and a great many of the voters appeared to be very much alarmed; their faces were pale.

843. And some had their coats covered with mud?—Yes, several of the gentlemen I knew had their coats covered with mud.

F. Sheppard, Esq.

844. Did you see anything done to the windows of Mr. Waldron's tally-rooms?—No.

845. You did not see them after the polling was over?—I did not.

846. Were you obliged to obtain an escort for any of the voters of Mr. Waldron?—Before the election, I was.

847. And after the election, did you go to the railway station?—I applied for an escort to convey a party of voters from Roscrea, a short distance out of Roscrea to the railway station, and I believe the same troops escorted the party back; I was not there myself; in fact, the only voters that went from Roscrea by the road had that escort.

848. Did you see Mr. Kennedy, your brother-in-law, there upon that occasion?—He is not my brother-in-law; he is the brother of my brother-in-law.

849. Did you see him there?—I did.

850. In what condition was he?—He complained to me. I do not know whether it will be evidence.

851. No?—I do not recollect whether he was one of the persons upon whom the mud was or not; I am not certain of that; I can tell you some persons upon whom I saw mud.

852. You saw several?—Yes, I saw Captain Cooper.

853. You did not go out yourself more than you could avoid?—No.

854. You did not go into that street at all?—I went just to the edge, outside the rails, but I did not go up among the mob; it was no part of my business; I may say that the mob at times were up to the very edge of the yard, and forcing their way into the Court-house.

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Cross-examined by Mr. Serjeant *Ballantine*.

855. Was there any application made during the day, to your knowledge, to adjourn the poll?—I am not aware.

856. You do not know that there was?—No.

857. You, as the agent of Mr. Waldron, might have made that demand, if you pleased?—If I saw such rioting in the booths.

858. Or if you saw such rioting as prevented your voters coming up?—If I saw rioting in the booths I should have applied, not otherwise; I believe I should make an information on oath.

859. There was none?—There was great confusion.

860. But there was no application?—There was no application that I am aware of.

[The Witness withdrew.

Mr. John Ryan was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

Mr. *J. Ryan*.

861. Do you live at Kilmore?—Yes.

862. You are a tenant of Lord Hawarden?—Yes.

863. How far is Kilmore from Thurles?—Between 12 and 13 miles.

864. I suppose you went by the Dundrum station by rail to Thurles?—Yes.

865. Were you along with Colonel Purefoy?—Yes, I was with Mr. Bayley.

866. And Colonel Purefoy was there, too?—Yes.

867. You had a special train from Dundrum to Thurles?—So I understand; it was a special train.

868. When you got to Thurles, what did you see upon the platform?—I saw some racketty-looking fellows, inclined to fight some of us; I did not know who they were.

869. What did you see these fellows doing?—They were making a strong attempt to beat or strike some persons; they did not name who they would beat.

870. Had they anything in their hands?—They had some kind of sticks, I believe.

871. Did you see any stones with them?—Yes.

872. Did you go down towards the Court-house, where the polling was going on?—Yes.

873. With some of the other voters that came in?—Yes, they were all going to poll.

874. What did you see these fellows doing when you were going down from the railway station to the Court-house?—They were "wheeling"; they threw some stones.

875. "Wheeling" their sticks, you mean?—Yes.

876. What were they doing with the stones?—I saw a stone thrown, and it came in through the crowd.

877. Did you get down nearly opposite to the Court-house?—Yes, to the tally-rooms.

878. I believe Captain White's tally-rooms were not far from Mr. Waldron's tally-rooms?—The two were by the side of each other.

879. When you got nearly opposite the tally-rooms, what was done to you?—I believe our party went a little too far, and they had to turn back; and they had a great bustle with their horses and men. I was knocked about between the horses, so that I did not know where I was standing. I got myself lifted away off my feet, and I was hardly able to look about me, when I was shifted into Mr. White's tally-room.

880. You were shifted into Mr. White's tally-room?—Yes.

881. When you got shifted into Mr. White's tally-room, how long were you kept there?—I saw no inclination of keeping us at all, but we stopped there; we were afraid.

882. The people inside did not keep you, but the people outside?—No; nobody said to stop there, but still we were delicate in getting out again.

883. After a while did you get out?—Yes.

884. I believe you did not get into Mr. Waldron's tally-room?—No.

885. Did you go home without voting at all?—Yes.

886. When you got out into the street, out of Captain White's tally-room, were there any of Mr. Waldron's friends at all to be seen?—No; I did not see any of them.

887. Did you make the best way you could out of the town?—Yes, I went on till I came on to the square, and then I stopped there some time, and went to the train.

888. Was there anybody with you at that time, when you got to the square?—Yes.

889. Who was with you?—Dennis Ryan and John Hogan.

890. Colonel Purefoy was not with you?—No.

891. Did Dennis Ryan and John Hogan go home at the same time with you?—Yes, I think they went in the same train which I went in; I am not quite sure.

892. Was there a crowd in the Market-square when you got down?—Sometimes there was; at the time the parties were going through the square.

893. Did you see any voters going up to vote for Mr. Waldron, through the Market-square?—I did; I saw parties going up guarded by the soldiers.

894. Whom did you go in to vote for?—For Mr. Waldron.

Cross-examined by Mr. Serjeant *Ballantine*.

895. Did anything prevent you voting for him; why did not you vote for him?—I was turned into the other tally-room, Mr. White's.

896. You came out of Mr. White's tally-room; you were not kept there?—I was not.

897. Why did not you go into Mr. Waldron's tally-room?—I knew nothing about the election; I saw such confusion, I did not like to ask my way.

898. Did not you know how to get up to the polling place; do you mean that you and the two other men could not have got up to the polling place if you had liked?—We might if we asked and inquired.

899. Did not you know where the Court-house was?—I did not well know where it was.

900. Had not you been there before?—Never.

901. Could not you find it?—I could find it if I inquired for it.

902. You

902. You remained about the streets for an hour or two?—Yes.
903. You wanted to vote for Mr. Waldron?—Yes, I went there to vote for him.
904. Had you promised to vote for him?—Yes.
905. You had promised the agent to vote for him?—Yes.

Re-examined by Mr. *Ryan*.

906. You did not like to tell the people in Thurles you wanted to find Mr. Waldron's place, and vote for him?—No.

[The Witness withdrew.

Mr *J. Ryan.*
29 March 1867.

Mr. Dennis Ryan, was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

907. I believe you live at Culla Cussa?—Yes.
908. You are a tenant of Lord Hawarden?—Yes; before I give evidence, I decline to say anything till you agree to pay me my expenses for coming over.
909. How much did you get?—I got 5*l.*
910. How much more do you want; are you satisfied to take Mr. Boulden's word to pay you?—I do not know my loss by leaving my business, men and women working for me; I do not know my loss.
911. You got 5*l.*; when did you come here?—Before seven o'clock yesterday evening.

Mr. *Ryan* stated that the agents would pay the Witness according to the usual scale.

912. Mr. *Ryan* (to the *Witness*).] You are a tenant of Lord Hawarden?—Yes.
913. Did you go into Thurles with Colonel Purefoy, Mr. Bayley, and others, John Ryan, Dennis Hogan, and other people, to the election?—Yes, I did.
914. Whom were you going to vote for?—Mr. Waldron.
915. You got up from the platform of the railway station to near where the tally-rooms are?—Yes.
916. When you got to where the tally-rooms were, what happened to you?—I remained there for 10 or 12 minutes, and was taken in by two into Mr. White's tally-room; forced in.
917. Was there a mob of people about there at that time?—Yes, there were.
918. How did they force you in; just describe to the Committee how they forced you in?—Two took me in, one on each side; took me by the body, and forced me in.
919. How long did you remain in Captain White's tally-room?—About an hour.
920. Did you see anything that was going on outside while you were there?—I could not describe it.
921. Did you see a mob of people?—Yes, they were very busy.
922. At the end of an hour you got out into the street again?—Yes.
923. What did you do when you got out?—I got up into the town, and remained there some time.
924. You did not get into Mr. Waldron's tally-room?—No, I did not.
925. Did you vote at all that day?—I did not.
926. About the time you were dragged in, did you hear them shouting there?—Yes, I did.
927. What were they shouting about?—I could not recollect; I do not know.
928. They were shouting?—Yes, they were noisy.
929. You thought it better to get quietly out of the town?—Yes, I got away from that part, at least.
930. Nobody, when you were down the town, knew you were a voter at all?—No.
931. You were safe enough there?—Yes.

Mr. *D. Ryan.*

Cross-examined by Mr. *Hackett*.

932. Did you know where the voting was going on?—Yes.
933. Did you know where the Court-house was?—Yes.
934. Was not it exactly the other side of the street to Captain White's polling booth?—Not exactly; quite convenient.
935. Did you make any effort to get over to the Court-house?—No.
936. There was not anything to prevent you walking over to the Court-house, and voting if you were inclined?—I cannot say whether I would be prevented by anybody else.
937. Was anything done to you in Captain White's room?—No.
938. You were forced in, and walked out of your own accord?—Yes.
939. You walked into the street, walked down to the square, stopped there, and did not vote?—I did not.

Re-examined by Mr. *Ryan*.

940. If you had not been dragged into Captain White's tally-room, would you have voted for Mr. Waldron?—I would.
941. Mr. *Hackett* (through the *Committee*).] You were left perfectly to yourself afterwards, and walked about afterwards?—Yes.

[The Witness withdrew.

John Hogan was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

942. You live at Attibuck?—Yes.
943. A tenant of Lord Hawarden?—Yes.
944. Do you remember the day of election at Thurles?—I do, Sir.
945. You went in with Mr. Bayley and Colonel Purefoy, and another voter, to vote for Mr. Waldron?—I did.
946. Do you remember when you got into Thurles seeing a crowd there?—I do.

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 947. What

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947. What did you see those people doing?—I could not exactly tell that.

948. What did you see any of those people doing?—I could not tell that; there was nothing doing to me, at any rate; I could not speak for others.

949. Tell me what they were doing; did you see any of the voters struck?—I did not.

950. Did you see any stones thrown?—No.

951. When you got up to the tally-room, did you get up as far as that?—Yes.

952. Did you see a mob of people?—I did.

953. Did any of those people do anything to you?—No; but they forced me in.

954. Forced you in where?—Into the tally-room.

955. Into what tally-room?—Into Mr. White's tally-room.

956. What tally-room did you want to go into?—Mr. Waldron's, of course.

957. How did they force you in?—They took me in, in spite of us.

958. How did they do it?—To catch us and pull us in.

959. How many got hold of you?—I could not exactly tell, but I was took off the ground, and took in, in spite of me.

960. How long did you stay in Captain White's tally-room?—About an hour.

961. Why did you not go out again?—I was in dread.

962. What was doing outside in the streets?—I could not tell what was doing there while I was inside.

963. You know what happened to yourself?—I do well.

964. At the end of an hour, did you get out of Captain White's tally-room?—I did.

965. Where did you go to from that?—I went down the street.

966. And got into the market square?—Yes.

967. And if you had not been forced off the ground, and taken into Mr. White's tally-room, would you have voted for Mr. Waldron?—Yes.

Cross-examined by Mr. *Hackett.*

968. You were with the two Ryans, were you not?—Yes.

969. You three were forced into the tally-room?—Yes, we were, one after the other; there was one in before me, and another came in after me.

970. Was anything done to you when you were in the tally-room?—No.

971. You stopped there for about an hour?—Yes.

972. Could not you have gone out at any time you liked?—I do not know.

973. Was there any one that prevented you going out?—They did not at the time we went out.

974. Were you ever in Thurles before that day?—I was.

975. Often?—Not very often.

976. Do you know where the Court-house is?—I do.

977. Was not it nearly opposite the tally-room of Captain White, that you were forced into?—I believe it was.

978. After you got out into the street, you went down the town?—I did.

979. You made no effort to walk across another street, did you; you and the two Ryans were together?—Yes.

980. You made no attempt to cross the narrow street?—We came down a narrow street.

981. And turned down the square?—Yes.

982. How long did you remain in the square?—I do not recollect; I cannot exactly say.

983. What time was it when you came into Thurles?—I could not tell that.

984. Tell me what time you went away out of Thurles?—About four or five o'clock; I could not tell exactly.

985. The three of you agreed in walking down the street, and not walking across the street?—We did.

986. You did not vote at all?—No.

[The Witness withdrew.

EDWARD BAYLY was called in; and, having been sworn, was Examined by Mr. *Cunninghame*, as follows:

E. Bayly.

987. YOU reside at Dundrum?—Yes.

988. Do you remember the polling day at the last election for the town of Tipperary?—Yes.

989. Do you remember having proceeded to Thurles on that day?—Yes.

990. By whom were you accompanied?—By several of Lord Hawarden's tenants; Colonel Purefoy, and several other gentlemen.

991. You left Dundrum station to proceed to Thurles?—Yes.

992. In whose interest were the voters going to Thurles?—Mr. Waldron's.

993. Do you remember when you arrived with the voters at Thurles?—Yes.

994. Was there anything particular that attracted your attention, when you left the train with the voters at Thurles?—Yes, there was a mob on the platform waiting the arrival of the train.

995. Could you say what was about the number of persons of which the mob consisted?—I suppose at least 100. The platform was nearly filled.

996. Did the mob do anything?—Yes.

997. What did they do?—After the voters had begun to leave the platform through the narrow gateway, they attacked them with sticks.

998. Did you observe any particular man injured, or struck in any particular way?—I saw one man had his head cut. I saw him struck. I did not know his name.

999. What was he struck with?—A loaded stick.

1000. You stated he was struck on the head with it?—Yes, on the back of his head, through his hat; just above the brim of his hat.

1001. Were there any stones thrown by the mob?—Yes.

1002. At whom?—At the party of voters. I could not say that they were thrown at any parcular person.

1003. From the station to the polling place were any of the party of voters, whom you accompanied, escorted?—Yes, by both police and dragoons.

1004. On your way from the station to the polling place, were you allowed to proceed quietly, or was there anything preventing you?—There

—There was no disturbance from the station up to the polling place.

1005. But when you arrived at the polling place can you tell what took place then?—When the dragoons drew to one side the mob began to hustle the voters. A few came past the polling place, and did not know where to go to.

1006. They did not know where to go to, to record their votes?—They were hustled, and, I believe, some of them taken by the mob.

1007. Mr. *Hackett.*] Did you see what happened by yourself?—No, I did not see what happened. I saw the mob hustling some of them.

1008. Mr. *Cunninghame.*] Did you see any of the voters in the interest of Mr. Waldron seized by any persons, or abducted?—No, I did not see any of them carried away.

1009. Did you see them hustled and dispersed?—Yes.

1010. When that occurred, what did you do?—I went down towards Captain White's tally-room, and was seized on by some of the mob myself. I went down to look for the voters that were carried away. I was seized on by some of the mob.

1011. Of course you missed some of your voters when you proceeded to look for them?—Yes.

1012. How many persons came and seized you?—I cannot say; there were three or four; they were all round me.

1013. They were parties belonging to the outside mob?—Yes.

1014. What did they endeavour to do besides seizing you?—They endeavoured to drag me in the direction of Captain White's tally-room.

1015. While they were so dragging you what occurred?—Two dragoons rode forward out of the line and rescued me.

1016. What did you do then?—I returned to the Court-house.

1017. Do you remember when you were leaving the Court-house?—Yes, I do.

1018. When you were leaving the Court-house and proceeding to the railway station, something occurred?—Yes, we were protected by the police and dragoons; police on either side, and dragoons before and behind.

1019. You were protected by them, did the mob do anything?—Yes; when we got about half way from the Court-house to the railway station the mob attacked us.

1020. What did the mob do?—Some of the mob broke through the police and began hustling the voters returning. When they were driven back by the police they retired behind, and threw a shower of stones over the dragoons' heads.

1021. Did they throw anything else besides stones?—Mud and dirt of every description.

1022. Did you observe that any person was struck with the stone?—Yes, a policeman walking beside me was very badly struck by a stone at the side of his head.

1023. About this time did the dragoons do anything?—Yes.

1024. What did they do?—After the mob had thrown the shower of stones the dragoons turned and charged the mob. *E. Bayly.* 29 March 1867.

1025. What did the mob do?—The mob ran away and did not come back again. We arrived at the station without further molestation.

1026. Did you observe any marks of violence upon any of the voters whom you accompanied?—I did.

1027. What were they?—I saw one man had his heat cut when I arrived home at Dundrum.

1028. Was that the same man you spoke of before?—No, a different man.

1029. You say he had his head cut?—Yes.

1030. He had been at Thurles that day with you?—Yes.

1031. Did you see any other person except this man with any mark of violence?—Yes.

1032. How many others?—Two others.

1033. Did you see where they were cut?—Yes.

1034. Where?—One was cut on the head, and the other had blows on the head, of which he died afterwards.

1035. But the other lived?—Yes.

1036. Were you aware that the man was confined to his bed subsequently?—Yes.

1037. And at a time subsequent to that he died?—Yes.

1038. You did not say he died of the wound inflicted?—No.

1039. What effect did the violence that was offered to the voters that accompanied you have upon the voters?—They were very much frightened.

1040. And seemed to be in great terror?—Yes.

1041. By the *Committee.*] What time of day was it that this attack on your voters took place?—As we were returning.

1042. What time of the day?—I think it was about half-past three; the train we returned by left the railway station at twenty minutes past four.

Cross-examined by Mr. Serjeant *Ballantine.*

1043. Have you a vote?—No.

1044. What were you doing there?—My father is Lord Hawarden's agent. I went with Lord Hawarden's tenants.

Re-examined by Mr. *Cunninghame.*

1045. You say you have not a vote?—No.

1046. You are not of age?—I am.

1047. Were you at that time?—Yes.

1048. The time of that election?—Yes.

1049. I believe your father represents a large estate in the county Tipperary?—Yes.

[The Witness withdrew.

DANIEL KENNEDY was called in; and, having been sworn, was Examined by Mr. *Macnamara,* as follows:

1050. You live at Ballahan, in Tipperary?—Yes. *D. Kennedy.*

1051. You are a landowner there?—Yes.

1052. And a voter for the county of Tipperary?—Yes.

1053. Do you remember the Sunday before the

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the last election for Tipperary, the 14th of October?—Yes.

1054. On that Sunday were you in your chapel at Templederry?—Yes.

1055. Who was the officiating clergyman?—The Rev. Hugh Gleeson.

1056. Did you hear him make any address to his congregation about the coming election?—Yes.

1057. What part of the chapel did he make it?—From the platform of the altar.

1058. At what part of the service was it?—After the Communion.

1059. What did he say; state the substance, according to the best of your recollection?—His discourse was to the voters, "I wish all to vote for the Honourable Captain White; that no one should vote for Waldron, the old turncoat, and that whoever should, ought to be ducked in the river."

1060. Then the night before the election you went into Nenagh?—Yes, that is the night before the polling.

1061. You acted as deputy sheriff at Nenagh during the polling day?—Yes.

1062. Did you see a number of voters brought up to the polling booth for Captain White?—Yes.

1063. Did you see by whom they were brought up?—Invariably by the priests; all of them, with a solitary exception, were accompanied by priests.

1064. Did you see a large number of priests there during the day?—Yes.

1065. Did you see the Rev. Hugh Gleeson there?—Yes.

1066. Did you see the Rev. Peter Murphy?—Yes.

1067. Do you remember their bringing a voter forward of the name of William Coughlon?—Yes.

1068. Was his vote tendered for you to receive?—Yes.

1069. Did you object to swear him?—I hesitated to take his vote; Mr. Waldron's inspector proposed to have him sworn, and as I was about swearing him, the Rev. Peter Murphy told him not to take the book.

Mr. Serjeant *Ballantine* inquired under what head this evidence was tendered.

Mr. *Ryan* stated that it was under the head of spiritual intimidation.

1070. Mr. *Ryan* (to the *Witness*).] You were deputy sheriff acting in the booth?—Yes.

1071. This Coughlon came up to vote?—Yes.

1072. Mr. Waldron's inspector made an objection?—Yes.

1073. Was it on the ground that he was not the person he represented himself to be?—Yes.

1074. Were you called upon to put the personation oath to him?—The inspector had handed over the book to me, and of course I was to tender the oath, and before I had time to tender the oath the Rev. Peter Murphy told him not to take the book.

1075. Up to that time he was put forward by the Rev. Peter Murphy?——

Mr. Serjeant *Ballantine* objected to the question.

1076. Mr. *Ryan*.] Was he brought up by the Rev. Peter Murphy?—Yes, and the Rev. Mr. Gleeson.

1077. As what person was he about to vote; under what name?—Under the name of William Coughlon, his uncle.

1078. The inspector for Mr. Waldron objected that he was not the William Coughlon who had the right to vote?—Yes.

1079. Up to that time he was about to vote?—Yes.

1080. Then did you, in the discharge of your duty as deputy sheriff, hand him the book to put the personation oath to him?—Yes.

1081. To test whether he was really the person he was put forward as?—Yes; and he produced the poor rate receipt in his own name, and the Rev. Hugh Gleeson stated that he had his receipts, and that he was a voter.

1082. Was it then that the clergyman told him not to take the oath?—Yes, when the book was about to be handed to him.

1083. But neither of the reverend gentlemen made any objection before the book was put into his hand?—No, they appeared to me anxious to have him polled.

[The Witness withdrew.

Mr. John Anderson was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

Mr. *J. Anderson.*

1084. Are you County Inspector of Constabulary of the North Riding of the county Tipperary?—I am.

1085. Where do you reside?—At Nenagh.

1086. About how many police are there generally in your district?—Do you mean in Nenagh or the whole riding?

1087. The whole riding?—The strength is 557; it was not always up to that; there are vacancies.

1088. And in the Nenagh district about how many?—Do you mean to confine me to the town, or what?

1089. The town?—The town generally has about 43.

1090. Is there a sub-inspector at Nenagh?—Yes.

1091. How many are there in the riding?—Nine.

1092. You recollect the last election?—I do.

1093. How many constabulary were there in the town of Nenagh at that time?—Four hundred and six.

1094. And cavalry?—A squadron and a half.

1095. And infantry?—Four companies.

1096. I think on the day of polling another troop of cavalry arrived?—A troop of Carbiniers on the polling day; they came from Killaloe.

1097. They arrived about one o'clock?—They arrived about one o'clock.

1098. Were you in the town of Nenagh all day?—I was.

1099. What time did you go on duty?—A little before six in the morning.

1100. About 12 o'clock in the day did you observe large bodies of persons coming into the town?—Yes.

1101. What

1101. What was the character of those large bodies of persons?—I looked upon them as rioters.

1102. Did they come from different directions?—They did.

1103. You know your country pretty well?—I do.

1104. Were they led or headed by anybody in particular, generally speaking?—Generally there was a Roman Catholic clergyman with them.

1105. Where?—Leading them.

1106. Did you see a Roman Catholic clergyman of the name of Father John Scanlan on that day?—Yes.

1107. Do you know the name of his parish?—Toomavara.

1108. How far is that from Nenagh?—Five miles.

1109. Had he a large body of men with him?—He had.

1110. About how many?—I should say from 200 to 300.

1111. Were they electors, or not?—No; there were some electors.

1112. What were the great body of them?—They were not electors.

1113. Were they armed?—They were armed with bludgeons (not common ordinary walking sticks).

1114. Not such as the peasants generally carry?—No.

1115. Did they walk?—They came in on vehicles.

1116. Did you see Father Maguire there?—Yes.

1117. What is the name of his parish?—Silvermines.

1118. How far from Nenagh is the parish of Silvermines?—Eight English miles.

1119. Is that in the same direction as the other parish?—No, the opposite direction.

1120. By whom was he accompanied?—By a number of country people.

1121. About how many accompanied him?—I should think about the same number as Toomavara, 200 or 300.

1122. Had they the same things in their hands as the others had?—They had.

1123. Were they non-electors or electors?—There were some electors, the majority were non-electors.

1124. You saw Father Malone as well, that day?—Yes.

1125. What is the name of his parish?—I forget the name of his parish.

1126. Do you know where it is?—Yes, I know where it is.

1127. How far from Nenagh is it?—About five miles.

1128. Was he accompanied by a similar number of people?—He was; but not so many.

1129. Were they of the same character as those you have already described?—They were.

1130. Did you see Father O'Brien that day?—I did.

1131. How far from Nenagh is his parish?—His parish extends some 19 or 20 miles off.

1132. Was he accompanied by the same number of people?—I do not think he had so many.

1133. Had they the same kind of things in their hands?—Yes.

1134. Did you see many other parish priests and Roman Catholic clergymen coming in with persons of this kind that day?—I do not recollect that; I saw a great number of Catholic clergymen there, but they were not parish priests.

1135. Do you know whether they were parish priests or curates?—I do not know.

1136. Were they accompanied in the same way as the other gentlemen?—They all came in together; I saw the parish priest of Borrisokane; he took no part in it.

1137. Will you name any other priests you saw, who did not take part?—I can name the parish priest of Nenagh as being a peacemaker, and very useful.

1138. In what condition, as far as quietness or excitement is concerned, was the town all the day?—A great deal of excitement.

1139. Was there a large mob?—There was.

1140. Did you see the mob doing anything in particular?—I saw them at one time striking some voters.

1141. What voters were these?—The Hoggins's; two brothers of the name of Hoggins.

1142. Do you know Mr. Hoggins?—Yes.

1143. Do you know whom he supported at the election?—I do not know of my own knowledge; I was not present when he voted.

1144. Did you see Mr. Spaight that day?—Yes.

1145. Did you see anything happen to him?—I saw his head cut.

1146. When Mr. Spaight's head was cut, just describe what the mob were doing?—They were striking at each other, and the Hoggins's party striking at them.

1147. Where did the party of Hoggins come from?—From Clongligordan.

1148. Did they come down the main street?—No, they did not.

1149. They came down a bye-street?—They came down a new street.

1150. Was that the direct way from the station?—No.

1151. Did they come near the Court-house?—They were coming close to the Court-house.

1152. Where were you?—I was about three times the length of this room from them.

1153. On horseback?—No.

1154. Were there a large number of police with you at that time?—There were.

1155. When they arrived, what did you see happen to them?—I saw them struck from the crowd by the country people.

1156. Struck with what?—Sticks.

1157. Were there any stones thrown at them?—There were; I was not struck, but they went very near me; they struck a policeman close by.

1158. Did you hear them shout at all?—Yes.

1159. What were they shouting?—The Tipperary cry.

1160. Did you hear any words said?—No.

1161. What was the name of the policeman that was struck?—Michael Neil.

1162. Was he hurt much?—Yes, he was; he was stunned a good deal; so much so, that I thought the man was going to fall.

1163. There were two Mr. Hoggins there, you say?—Yes.

1164. Did you see them both struck?—I did; they defended themselves very well; they returned the blows, and they gave what they got; that is my opinion.

1165. Who began the attack; who was the attacking party?—Really I could not say, exactly.

1166. Besides

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1166. Besides these two men of Clongligordan, and Mr. Spaight, did you see any other persons struck?—No, I did not.

1167. Did you see Mr. M'Clough?—Yes; he was struck on the head by a stone.

1168. Is he a resident magistrate?—Yes.

1169. Was there a very large military force there that day?—Very large.

1170. Did you see any of Captain White's voters interfered with?—No; positively I would not swear they were Captain White's, and it is only a mere suspicion; I do not know of my own knowledge.

Cross-examined by Mr. Serjeant *Ballantine.*

1171. You have known a good many elections?—Yes.

1172. In Tipperary?—Yes, and Waterford, Carlow, and Cork.

1173. This was rather a quiet one?—In comparison it was, thanks to our force.

1174. Thanks to you?—No, not at all; thanks to the magistrate, who seconded the force.

1175. It was rather a quiet one, otherwise?—Yes.

1176. On former elections, have you seen a good many priests?—I have.

1177. They are always active in the elections?—They are.

1178. I suppose you have seen a good many landlords, or their agents?—Yes.

1179. Are the agents active?—Yes.

1180. I suppose I may take it that the landlords or their agents bring up all the voters they can, and the priests bring up all the voters they can?—That is my opinion.

1181. That is your opinion?—Yes.

1182. Then there is a row between the one side and the other?—Yes.

1183. There is a good deal of abuse?—Yes.

1184. And then it gets generally into a fight, that is about the history of it?—Yes.

1185. Which both parties seem rather to like than otherwise, that is so?—Generally speaking, it is.

1186. My learned friend put the name of Mr. Hoggins, he is a very strong Conservative, a strong Tory?—That is the character he bears.

1187. They call him an Orangeman?—I think I have heard them call him so.

1188. Did you hear that?—I did hear that.

1189. Did he come into the town that day with a revolver in his hand?—I did not see it.

1190. Did you hear of it?—No.

1191. No report was made to you upon it?—No.

1192. He came in with a large party, he was at their head?—Yes.

1193. About how many?—I think there were 40 or 50, but I do not know of my own knowledge.

1193*. I think you entertained the opinion that he was the cause of whatever row there was?—I did, and do now.

1194. You thought then and do think now, that he was the cause of the rioting?—Yes.

1195. He was one of Mr. Waldron's men?—So they say; I do not know; I have my own suspicion about that.

Re-examined by Mr. *Bourke.*

1196. Why do you think Mr. Hoggins was causing all the row?—He appeared to me to brandish his stick before the blow was given, and I think in brandishing his stick, he got the clout himself.

1197. What was the mob doing at that time?—They set-to then.

1198. You said that this was a quiet election, in your opinion?—Quieter than the last previous two elections, when Peter Green started.

1199. To what do you attribute the quietness?—To the strong force of military and police; I think they came in determined to make fight, by the sticks they carried.

[The Witness withdrew.

JAMES SPAIGHT, Esq., was called in; and, having been sworn, was Examined by Mr. *Ryan,* as follows:

J. Spaight, Esq.

1200. WHERE do you reside?—In the city of Limerick.

1201. You once represented the city of Limerick in Parliament?—Yes.

1202. You are a proprietor of property in the county Tipperary?—No, I am not.

1203. Your brother is?—Yes, he is; I have a vote from a farm in Tipperary.

1204. Your brother resides at Derry Castle, and has a considerable property in the county?—Yes.

1205. You yourself are an elector of that county?—Yes.

1206. Did you go on the polling day, the 20th of October last, to Nenagh, for the purpose of voting?—I did.

1207. For whom did you go to vote?—Mr. Waldron.

1208. Were you accompanied by any persons, other voters, do you remember?—No, I was not, I went by myself.

1209. Did you go to Nenagh on the polling day, or the day before?—I went the day before.

1210. That was on Friday?—I believe so.

1211. As you were coming into the town of Nenagh, were you met by an escort of dragoons and police?—No.

1212. Did you see any dragoons or police, as you came into Nenagh?—No.

1213. At what time in the morning did you proceed to register your vote?—About 10 o'clock; I voted myself.

1214. Where were you staying in the town?—I was staying at Major Gayson's, just outside the town, at his own place on the lake, some four miles off.

1215. Will you describe to the Committee what occurred when you were coming into town?—Subsequent to voting myself, I went by arrangement to meet some men who were coming from Limerick, and whom I promised to meet at the station, in order to give them escort and protection to the polling place.

1216. Were the persons coming to support Mr. Waldron?—They were.

1217. With you?—I met them at the train, and several

several other voters from Limerick were also in the train; there was a large escort at the station for the purpose of conducting the whole party to the Court-house.

1218. Was that escort partly dragoons and police?—Yes; there were police at each side, dragoons in front and dragoons behind; the four men whom I had arranged to meet, I walked with in the centre.

1219. It is a considerable distance from the railway station at Nenagh to the Court-house?—About a quarter of a mile.

1220. Just tell us what occurred?—When we started we had the usual accompaniment of shouting and yelling for a certain distance, and as we passed the main street the mob began to collect in great numbers round us, and they commenced to throw mud and bundles of straw and hay, first rolled in the mud; this went on till we came close to the turn into the square opposite the Court-house, and there they commenced to throw volleys of stones; several of the voters and police were struck with the stones. Just before we came to the corner turning into the place opposite to the Court-house, and just as we reached the corner, while the dragoons in front had turned a little out of our sight, there was a rush made from the upper side to break through the escort, and the pressure of the mob was so great that they broke up the escort, and commenced to throw stones very violently at all the voters they could see in the centre of the police. I saw a large stone coming towards me; I stooped to avoid it, and while I was in the act of stooping a man struck me on the head with a stone, which he held in his hand, and knocked me down on one knee.

1221. He did not throw the stone, but held it in his hand and struck you?—Yes; I saw him rush away with the stone still in his hand while I was down.

1222. Was your head cut on the occasion?—Yes, and my hat cut through.

1223. Did anything further occur?—I got up, and the four men who were with me begged me, for God's sake, to let them go away. I said it was then safer for them to go on than to go back. Two or three policemen, who saw me knocked down, rushed from each side to get round me and the four men, and with their assistance I got the four men up as far as the Court-house gate, but the rest of the party was broken up and scattered. *J. Spaight, Esq.* 29 March 1867.

1224. Did you happen to see any reverend gentlemen about at that time there?—I saw them all day.

1225. How long did you remain in the town?—I went into the gaol to have a doctor to see the cut on my head.

1226. Who was the doctor there?—I forget the name.

1227. You went to have your head examined?—The governor of the gaol sent for a medical man; I did not know his name; and he examined and attended to the cut on my head, and half an hour afterwards, I suppose, I got out.

Cross-examined by Mr. Serjeant *Ballantine.*

1228. It was not so bad at Limerick, was it?—I think I have seen it just as bad at Limerick, unfortunately.

1229. You went through two elections at Limerick?—Three.

1230. Successfully upon one occasion?—Yes.

1231. And you petitioned upon another?—I did.

1232. Upon the ground of intimidation?—Yes.

1233. You did not succeed?—No.

1234. I do not gather from what you say that you were much hurt?—I was very much hurt.

1235. You walked about the town during the remainder of the day?—Not about the town; I remained in the Court-house afterwards.

1236. And you walked about a good deal afterwards?—Not a good deal.

1237. But you did walk about afterwards?—I did.

1238. And the four men all voted, did not they?—Yes.

[The Witness withdrew.

WILLIAM SPAIGHT, ESQ., was called in; and, having been sworn, was Examined by Mr. *Ryan,* as follows:

1239. I BELIEVE you reside at Derry Castle?—Yes. *W. Spaight Esq.*

1240. You have considerable property in the county of Tipperary?—Yes.

1241. You are a brother to the last witness, Mr. James Spaight?—Yes.

1242. Do you remember the last election in Tipperary?—I do.

1243. About how far is Derry Castle from Nenagh?—About nine Irish miles.

1244. How did you travel from Derry to Nenagh on that day?—I drove in my own carriage.

1245. Do you know where the chapel of Portroe is?—Yes.

1246. As you were coming towards the chapel of Portroe, passing the quarries along the road, did anything strike you as remarkable?—It struck me that all the people were absent from their work, and all the quarries idle.

1247. When you got near Portroe Chapel, did anything particularly attract your attention there?—I saw the people going up in twos and threes to the chapel, and collecting there; a great mob of the people were collected there and in the chapel-yard.

1248. And when you got up there, did you see anything remarkable taking place or going on?—I did not go there; I went away from it; I avoided the village on purpose.

1249. Do you remember at any time seeing the curate of the parish of Portroe that morning?—Yes.

1250. Whereabouts did you see him; do you know his name?—I heard it was Gleeson; I am not sure.

1251. You know he was one of the curates of Portroe parish?—I believe he was.

1252. Whereabouts did you see this gentleman?—He was with a crowd of people at Baskewille's public-house, half-way from my place to Nenagh.

W. Spaight, Esq.

29 March 1867.

1253. What were the crowd of people doing; did you see this gentleman do anything?—I did.

1254. Will you describe it?—As I came up, I was not looking particularly at him, I was astounded at seeing him lift a great big stick "wheeling"; he twisted the stick over his head, and commenced jumping in a most extraordinary manner; I thought he was mad; he is a very active fellow; he was jumping the height of the table off the ground; he commenced hallooing for White, and hooting at me; I did not notice him till that began; I thought the man was demented.

1255. Did you see anything else going on at Baskerville's public-house?—Yes, the front rank wheeled upon me; but there were two clergymen with jugs giving out whiskey to two regular lines in the rear, and they never stopped; they continued loading up the rear-rank people with the whiskey; they never stopped; they went on giving the whiskey out of the jug; they gave it in glasses.

1256. How many people were there partaking of the whiskey while the reverend gentleman was "wheeling"?—Thirty or forty altogether.

1257. I suppose you made very little delay there?—They blocked the road, and I had to pull off into the walk, but I was so taken aback and astounded by the way this gentleman was getting on, that I did not say anything to him; they shoved up their faces to the edge of the carriage, hooting and hallooing at me; I took no notice of them, and as soon as the coachman was able, he got through the crowd and went on.

1258. Did you see the same reverend gentleman in the town of Nenagh again on that day?—I did.

1259. Was he by himself, or accompanied by other persons?—He was in the Court-house; he was quite quiet then.

1260. There was a strong force in the Court-house?—You would scarcely believe him to be the same man in the Court-house, after seeing him in the position I saw him in on the road.

1261. There was a strong force of military and police about the Court-house?—Very luckily for us there was.

1262. At the place where you saw him so very peaceable in the Court-house, there was a strong force of police posted all round?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

1263. Notwithstanding this dancing of Mr. Gleeson, you polled all your tenants?—Very many of them.

1264. And yourself?—Yes.

1265. And some of your neighbour's tenants; all you wanted?—Yes, a great many of them.

1266. All you wanted?—I think so; all I could get, at all events.

[The Witness withdrew.

[Adjourned to To-morrow, at 11 o'clock.

Saturday, 30*th March* 1867

SIR PHILIP GREY EGERTON, IN THE CHAIR.

30 March 1867.

Mr. *Ryan*, on behalf of the Petitioners, William Pennefather and John Dwyer O'Ryan, applied for an adjournment of the Committee until Monday.

Mr. *Sharkey*, on the part of the sitting Member, acquiesced in the application.

[Adjourned to Monday next, at 11 o'clock.

Monday, 1st April 1867.

SIR PHILIP GREY EGERTON, IN THE CHAIR.

Mr. JAMES HODGINS, was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

Mr. *J. Hodgins.*

1 April 1867.

1267. YOU reside near Cloughjordin, in the county Tipperary?—Yes.

1268. You have a vote for the county?—Yes.

1269. Do you remember the polling day at the last election?—I do.

1270. There is a station at Cloughjordin for Nenagh?—Near Cloughjordin.

1271. You proceeded by railway from Cloughjordin to Nenagh on that day?—Yes.

1272. By what train in the morning did you leave Cloughjordin?—By a special train; I left about 10 o'clock.

1273. It takes about 25 minutes to go from Cloughjordin to Nenagh?—Yes.

1274. You were about to vote for Mr. Waldron?—Yes.

1275. About how many voters accompanied you on that occasion?—I should say about 60.

1276. Were there any persons accompanying you on that occasion except voters?—I cannot say; a train came from Roscrea.

1277. In your party, I mean?—About three non-electors; that is all I know of.

1278. Sixty men were going to vote for Mr. Waldron?—Yes, and there were some of Mr. White's party there, too.

1279. Had you any people, any mob, or anybody except voters?—None whatever.

1280. Are you an Orangeman?—I have not that honour; I am a loyal man, and I believe they are all the same; you might as well say that I am a Fenian.

1281. You arrived at the terminus at Nenagh at about half-past ten?—Yes, about half-past ten, I should say.

1282. The terminus at Nenagh is about a quarter of an Irish mile from the Court-house?—About that, I should say.

1283. I believe the direct way from the terminus at Nenagh to the Court-house, where the polling took place, would be up a street by the old church; you turn there right into the main street, or Castle-street, and then turn to your left, where the Court-house is standing?—Yes; there is a new way you can go, up back by the chapel; that is the highway; the other is a private way.

1284. Did you proceed by the old church in the first instance?—Yes.

1285. When you got up near the Market Cross, turning into Castle-street, did anything attract your attention?—The soldiers were going on before us the other way.

1286. Did you see any people that were not soldiers?—A good many; I think they were in a very queer uniform if they were soldiers.

1287. Did you see any crowd of people?—Yes.

1288. About how many?—The chief mob was at Malier's hotel, in Castle-street, and we thought it better to go the other way to avoid the mob.

1289. Had you, in fact, at all turned into the street where Malier's hotel was?—No; we saw the crowd opposite Malier's hotel; but some of the party did not know the way was opened up to the hotel, and they were turning into Castle-street.

1290. What way did you proceed then to get into the street the Court-house is in?—Queen-street is the name of the street we went up, and then turned up Bank-place, a blank wall; we thought we could get in that way.

1291. Is that a more retired way than the Castle-street way?—Yes; it is a new way opened up by the Nenagh Commissioners.

1292. Did you get into Peter-street where the Court-house is situate?—Yes; when I was in Queen-street I got a lick of some mud on the head; at Queen-street was the first salute I got.

1293. In Queen-street you were plastered with mud?—Yes.

1294. Were the other people served in the same way?—I cannot tell you.

1295. Up to that time had you, or anybody of your party, done or said anything offensive to the other party?—Nothing whatever, except we said to one another, "Now, Waldrons, keep together;" we were expecting to be thrashed.

1296. You were all voters?—Yes, we were, except those three.

1297. When you got into Peter-street did anything occur worth mentioning?—No, nothing; we got clear on till we got into Peter-street.

1298. When you got into Peter-street what occurred then?—I got struck with sticks three times on the arms and twice on the head. I was not cut, but my hat was broken.

1299. Up to the time that you got so struck in Peter-street had you, or any one of your party, done or said anything offensive to the others?—The only thing I saw was one of the non-voters trying to keep his stick from being taken from him by the mob; if that was the cause of the row, that is the only one I know of.

1300. You got into Peter-street, and you were struck there?—Yes.

1301. Up to this time had you seen Mr. Anderson, the county inspector?—No.

1302. Then at the commencement of this striking Mr. Anderson had not appeared?—Not that I saw; I should have been very happy to see him, if he was there.

1303. Then you were struck with sticks; how many were there of the other party who attacked you?—There was as many of them as could get round

Mr. *I. Hodgins.*

1 April 1867.

round me; I could count five or six in front; I could not tell how many were striking behind.

1304. How many were there altogether?—I am no judge of mobs, but you could put 600 or 1,000 in the space.

1305. These men were not voters?—I do not know; I should like to bring them over here, and reform them, if they were.

1306. Was anybody else with you struck about the same time as you were struck?—There were; I did not see them struck; I saw them after they were struck.

1307. How many did you see who had been so struck?—A good many were speaking about being struck, but I did not see them being struck.

1308. Did you see any stones thrown?—I saw some up in the air.

1309. About the time you were struck by the sticks?—About that time I did; I had very little time to see what was doing; I had a great deal to do to keep my head on my shoulders.

1310. Had any man of yours a stone in his hand?—Not to my knowledge; I believe no man among them would carry a stone.

1311. Some of you had sticks?—Yes, and we were sorry we had not more.

1312. When you were so struck by the four or five persons who were immediately attacking you, what did you do?—I used my stick as well as I could to defend myself, and if I had a chance of getting a strike at one of them I gave it to them.

1313. From the door of the Court-house, the entrance of the Court-house, was the attack made upon you in Peter-street?—I found myself, when we were parted by the soldiers and the police from the mob, about half way to the Court-house, and at that time I was striking at them while they were going from me; my legs were rather too short or I should have known who it was.

1314. When you were parted by the soldiers and police, describe how it took place?—It is not very easy for me to do that.

1315. As nearly as you can?—If you get a lot of gentlemen licking you with sticks, and you find the soldiers coming between you and them, that is the way it occurred.

1316. Did the military and the police come to your rescue?—Yes.

1317. Can you give me the names of any persons who were with you when you saw the marks of their being struck, after that transaction?—John Pike and Adam Huggins; I really cannot tell you who they were; there were more struck than that; they were the only two I really know about; there were some more struck.

1318. Is Pike a voter?—Yes.

1319. A supporter of Mr. Waldron's?—Yes.

1320. Is Adam Huggins a voter?—Yes.

1321. A supporter of Mr. Waldron's?—Yes; and an Orangeman I believe.

1322. Ultimately you got into the Court-house, under the protection of the military and the police?—Yes.

1323. If it had not been for the intervention of the military and police, could you have got into the Court-house?—I do not think I should have been here to-day; I think I would be dead.

Cross-examined by Mr. Serjeant *Ballantine.*

1324. As far as I understand, you were perfectly quiet the whole of this time?—I was.

1325. Quite gentle?—No, not quite gentle. I was going along quiet and easy through a mob that I expected to thrash me; a man is not quite gentle in a place like that.

1326. And not quite easy?—I was walking.

1327. Were you flourishing your stick?—No.

1328. Do you ever flourish it?—Never flourish a stick.

1329. I mean this time?—I said, "Keep together Waldrons'," I might do it in this way, like some of the monuments you see (*describing the same*), just in this way.

1330. You were a mere monumental person?—That is all.

1331. Equally innocent and unoffending?—I cannot say that I was very innocent; I believe I was a sinner as well as other people.

1332. Do you swear that there were only three non-electors with your voters?—To my knowledge I swear.

1333. You mean to say you can only identify three?—I mean to say I only know of three, and never heard of any more.

1334. Do you swear there were not as many as 200 or 300?— I will.

1335. As many as 100?—I will.

1336. Where did your people come from?—Cloughjordin and the neighbourhood.

1337. How far is that by the rail, 25 minutes?—Twenty-three minutes.

1338. Whose tenants were they?—Lord Annaly's.

1339. You collected them?—No.

1340. Who did?—They collected themselves.

1341. Collected themselves, and voted themselves, under your guidance?—Lord Annaly was in Captain White's favour; part of his tenantry disagreed with Captain White; they said, we will have our own opinions, and for those opinions we went into Nenagh expecting to be thrashed by the other party.

1342. You did not go for that purpose?—No, only expected it; and some parties say they do not go again.

1343. As you expected to be thrashed you armed yourself with a stick?—Yes; not the whole of them.

1344. How many?—I did not count them.

1345. A great many of them had sticks?—A great many of them were very sorry they did not take them.

1346. You voted?—I did.

1347. And did the whole of your party, as far as you know, vote?—No; one of them voted for White after we paying his carriage in; he was a deaf man; he did not know what he did; he is a deaf man and rather old; he did not know what he was doing.

1348. He was deaf and old?—Yes, and voted for White.

1349. With the exception of the deaf and old man who voted for White, did all the rest poll?—I think they did.

1350. Every one of them?—I think they did.

1351. What have they done with the deaf man?—He is at home at present.

1352. Is he?—I think so; I have not seen him lately. I will tell him you were askin him when I do.

[The Witness withdrew.

Mr. JOHN FRANCIS WALLER was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

Mr. *J. F. Waller.*
1 April 1867.

1353. YOU are a Doctor of Law and a Barrister at the Irish Bar?—Yes.

1354. And also voter for Tipperary?—Yes.

1355. Were you, at the last election, at the Nenagh polling-place?—Yes.

1356. On the 20th of October last?—Yes.

1357. Did you see, near the polling-place at Nenagh, some Roman Catholic clergymen?—Yes.

1358. Did you see many come, or few?—I saw a good many of them, from time to time; occasionally three together, and two together.

1359. State, if you please, what, if anything, you saw some of them doing on that occasion?—I was inside the enclosure, in front of the Court-house, where the booths were; there were two gates, as you stand with your back to the Court-house, looking down the street that leads into the town of Nenagh; there were gates at each side, one on the left hand and the other on the right hand, through which the voters were admitted into the enclosure; they drove up on cars, many of them with green boughs and placards, with the name of one of the candidates for whom they were voting; there were, from time to time, a good deal of them in front, and occasionally leaving; there seemed to be what looked like an arrangement; there were generally two or three priests. I specially speak of the gate on the left-hand side where they came up, and where a good many of Captain White's electors drove up; they were received with the usual shouts and waving of green boughs, and they were received by two or three priests, as the case might be, who took them and cheered them, and so on, with the ordinary demonstrations of election agents; receiving them and cheering them on.

1360. Leading them on where?—Leading them on towards the gate which led into the Court-house where the various polling-booths were arranged; occasionally they seemed to take persons, as it seemed to me, against their will; they were in the midst of the ordinary work of lay agents. I saw, on one occasion, two or three priests doing this; one of those gentlemen was leading what appeared to be an elector, with his left hand; he had the elector's arm, and with his right hand, which was held up in this manner (*describing the same*), he had what appeared to be a Roman Catholic breviary, or book bound with a cross, and it was up in his hand this way (*describing the same*), as he led him along.

1361. You saw that yourself?—I saw that myself perfectly, and watched it; I did not know the gentleman, nor could I learn whom he was, though I made enquiries.

1362. You did not know him?—No, but I would know him again.

1363. Are you sure he was a Roman Catholic priest or clergyman, and that he had that book in his hand?—I am positive that he had the ordinary garb of Roman Catholic clergymen; he had all the ordinary dress of other Roman Catholic clergymen; he might have been the Pope for all I know.

Cross-examined by Mr. Serjeant *Ballantine.*

1364. You seem to have remained there a considerable time?—Yes.

1365. What were you doing?—First I came to discharge my constitutional privilege of voting.

1366. You came to vote?—Yes.

1367. Afterwards what did you wait for?—I waited to see how matters went on.

1368. How long did you wait altogether?—I waited several hours; I was away at intervals.

1369. As to what time in the day?—Indeed I waited until after the booths were closed or near it; up to about four o'clock I was in Nenagh.

1370. From what time?—I think from a little after 10.

1371. You saw Mr. Hodgins there?—I think so; that is my recollection.

1372. You know him?—I know several Mr. Hodgins.

1373. You know the Hodgins I mean?—I do not know him; I did not see him going out of the room.

1374. A gentleman who came in with 60 or 70 gentlemen from Nenagh?—I do know him.

1375. Did you see him there?—Yes.

1376. Was he behaving very quietly?—I did not see him behave otherwise when I saw him.

1377. Where was he when you saw him?—When I saw him he was in one of the booths; I think I also saw him outside.

1378. Was he there a great part of the day?—I cannot say.

Re-examined by Mr. *Macnamara.*

1379. During the time you were there, were you either in the Court-house or in the enclosure?—I was in both one and the other, and went backwards and forwards throughout the poll.

1380. Was there a strong force of military and police round about where you were?—Yes, very strong indeed.

[The Witness withdrew.

The Most Reverend PATRICK LEAHY, D. D., was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

Rev. *P. Leahy*, D.D.

1381. YOU are an Archbishop of the Roman Catholic Church?—Yes.

1382. I believe you have under your care the dioceses of Cashel and Emly?—Yes.

1383. That, I believe, comprises the greater part of the county of Tipperary?—I do not know whether it comprises the greater; I should say about half of it, not more.

1384. And the rest is under the care of Doctor Power, the Bishop of Killaloe?—No, not the rest, but a portion of the rest; there is another portion of the county under the care of the Bishop of Waterford, so that there are two other bishops having jurisdiction in the dioceses in the county Tipperary besides myself.

1385. How long have you held that office?—

Rev. *P. Leahy*, D.D. — 1 April 1867.

Rather too long for myself indeed; just 10 years last week.

1386. I believe, during the time you held that office, you have taken a very active part in politics?—Rather so; now and then as occasion presented itself, and as I felt I might have been called upon to do so.

1387. You remember the time Mr. Waldron was returned for the county in 1859, I think; first 1857 and afterwards 1859?—Yes.

1388. I believe, on those occasions he had the honour of your support?—He had, and of my friendship; and he sought my acquaintance in the first instance in order that he might have that support; whatever friendship existed between us, that support was the ground of it, and I continued his friend very nearly up to the last election.

1389. Is that the last election of 1866?—October 1866.

1390. You said "continued his friend;" did you continue his supporter up to that time?—I did.

1391. You are quite sure of that?—Quite sure.

1392. In 1860 I believe Mr. Waldron accepted a seat at the National Board of Education?—Yes; I was going to make some little remark which is not altogether irrelevant; it is this, that although I have no objection whatever that anything I ever said or did in reference to any election should be published at the Market Cross, yet it occurs to me, under the correction of the Chair, that whatever passed at former elections, so far back as 1860, is really not relevant to the present inquiry, which touches the facts and circumstances of the last election; however, as I said before, I have no objection that anything I have ever said or done should be published at the Market Cross.

1393. We arrive so far that Mr. Waldron accepted a seat at the National Board of Education?—Yes.

1394. That did not meet with your approval?—As his private friend, I should rather he had not accepted the situation; we were very intimate with one another; and although all my life I have been a constant supporter of the National system of education, thus far, that I have always used it for want of a better, and for fear of a worse, yet I did always think, at least so far back as the year you are speaking of, and the time he became a Commissioner of Education, I did think it was a system that required modification, and very large modification too; but at the same time, as I have already observed, I did support the system myself, and did use it, and got all the clergy in my diocese to do so as well. There are 46 parishes in the diocese over which I am placed, and in every parish there are from one to eight National schools, and my clergy and the parish priests are the patrons, and that with my sanction and approbation. I was the first priest, when a priest only, in the diocese of Cashel that got a National school put in connection with the Board of National Education. There can be nothing more untrue than to pretend that I was directly an opponent of the National system of education; I was not; I always used to encourage it, but seeking to obtain a large modification in it, as I thought was necessary.

1395. As his private friend you disapproved of his taking a seat at the National Board of Education?—I did not approve of it.

1396. Did you disapprove of it?—I did; I would rather he had not done so.

1397. You disapproved of it?—I had rather he had not done so.

1398. Did you disapprove of it?—Yes, if you please, I did disapprove of it; but I did not on that account cease to be the friend of Mr. Waldron; that had no influence whatever with me, either then or ever after, in opposing Mr. Waldron; and it was entirely forgotten when this last election came on; I never thought of it. I never took any action, public or private, against Mr. Waldron on account of his having become a Commissioner of National Education; never, on my solemn oath; never took the least action, either in public or private. In one of his private communications to me, Mr. Waldron said——

1399. Is that communication, which you call a private communication, in writing?—It is; but it is not private or confidential in the strict sense of the word.

1400. It is a private communication?—It is not private in the sense that I may not introduce it here; the letter was not marked private or confidential.

1401. Why did you call it a private communication?—The meaning is merely this, that it did not come before the public; it was a letter as passing between one gentleman and another, but not marked private and confidential by any means.

1402. You cannot tell us anything that is in a written document; it must speak for itself?—Allow me to answer you again. It was not a letter marked private, or private in any sense of the word, that I could not use it here; and when I mention it private, I meant this, that I did not use it before the public, and it was simply a letter passing from one gentleman to another through the post.

1403. You say, as his private friend, you disapproved of it; as a public man you disapprove of it also?—Never; I never took any action against him for having become a Commissioner of Education.

1404. Action is one thing, approval or disapproval is another thing?—I never expressed any disapproval of it in public or private to anybody that I know of.

1405. Any explanation you choose to give, you will have perfect liberty to do it; I expect an answer to a plain and simple question. As a public man, putting aside action in any way, did you disapprove of his being a Commissioner of National Education?—Your question is a dubious one. When you say as a public man, what do you mean; do you mean myself or Mr. Waldron?

1406. I mean you in a public capacity as Archbishop; he in his public capacity as Member for the County Tipperary?—That is, both?

1407. Yes. The question is, you in your public capacity, and he in his public capacity, did you disapprove of his becoming a member of the Commission of Public Education?—I, in my public capacity, never did; I communicated to him in my letters as Mr. Waldron, my friend, and as Mr. Waldron, the Member for Tipperary, all along, in any communication with him; I wrote to him simply as his private friend.

1408. I did not ask you as to communications?—I had no kind of communications with him on the subject of that word.

1409. Mr. Waldron, I believe, continued a Member

Rev. *P. Leahy*, D.D.

1 April 1867.

Member for the County Tipperary up to 1865, the period of the general election?—Yes.

1410. You had, before 1860 and in 1859, been a supporter of his?—Yes.

1411. Mr. Waldron did not actually come forward, though Mr. Waldron canvassed with a view of the election in 1865, to your knowledge?—I believe he did.

1412. You are not quite sure?—I am not quite sure; my memory does not tell me whether or not.

1413. As to the general election of 1865, I believe you took a great interest in all these matters?—Not so great; I did take an interest.

1414. Not a very great interest?—No.

1415. In the elections in the County Tipperary?—I was anxious that a good man should be returned for the county, but I did not take so very great an interest.

1416. You were anxious that a good man should be returned, but you did not take a great interest?—Yes.

1417. Was not it on your introduction that Mr. Moore came forward principally as a candidate for Tipperary?—I supported Mr. Moore.

1418. Was not it you that originally put him forward as a candidate for the county?—I attended and presided over a meeting of the clergy, at which they determined to support Mr. Moore.

1419. You presided over a meeting of the clergy when they attended to support Mr. Moore?—Yes.

1420. In fact, he was put forward as a candidate and supported by the archbishop and the clergy of the diocese?—Yes.

1421. I believe you introduced the late Mr. Dillon to the county?—He introduced himself, not I. I wrote to him at least once dissuading him, giving him reasons why he should not offer himself for the County Tipperary, in my opinion.

1422. But ultimately you supported him?—Yes, I did; but he offered himself as a candidate.

1423. Though you first dissuaded him, was not it you who sent ultimately for him to come to represent the county?—It was not.

1424. Who was it then?—I do not know.

1425. Was there a meeting on that occasion of the clergy?—At the time you speak of, when you say I brought Mr. Dillon into the County Tipperary, or insinuated that I did so, I was Mr. Waldron's fast friend; and I protested against Mr. Dillon, or any one coming forward so long as Mr. Waldron was willing to stand for the County Tipperary.

1426. I ask you this: whether you had made up your mind to support Mr. Waldron in 1865?—I was, on my solemn oath, ready to support him.

1427. Up to what time?—Up to the very day of the election; within a few days of the election. I remained Mr. Waldron's friend on and after the election, and up to 1866, his fast friend.

1428. I take a distinction between personal friendship and public support; I am asking you now, whether you were prepared up to the time of the election of 1865 to support Mr. Waldron?—Up to the time of his publishing his resignation, I was the first man he told. He says in his letter to me, "You are the very first I communicated it to, that I am retiring;" and I kept to Mr. Waldron up to the very last. I was pressed by one, by two, by three to put them forward, and give them my support; and I protested against any man coming forward as against Mr. Waldron up to the very last; and I have his letters, saying, "You are the first person, and I feel bound in duty to let you know that I am retiring." So that there is nothing in the world more untrue than that I did engage in opposition at the time which has been stated in the Counsel's opening speech. The north is as far from the south as it is true that I was opposed to Mr. Waldron then, or took part in any opposition at the time, or got up any opposition at the time. The very reverse is the fact, upon my solemn oath. I remained steadfastly attached to him, signifying to him that I would support him as long as he was willing to come forward.

1429. You changed your views at the last election with respect to Mr. Waldron?—Then and only then.

1430. At what period was it that that change came over you?—Not until Mr. Waldron gave me to understand that he was about to pass over to the party which he had all his life before opposed. I learned at the same time that he had been taken up as a candidate, of what I might call, not in an offensive way by any means, but the better to express myself, that he was taken up as a candidate of the landlord party in the County Tipperary, which has always been, with few exceptions, opposed in party and politics to the mass of the people of the county, and to the clergy of the county. It was then only, and then for the first time, that Mr. Waldron forfeited my confidence.

1431. Do not you know that he to a great extent had the support and confidence of the Roman Catholic lay gentlemen of the county?—He had not.

1432. You swear that?—I do.

1433. Was it, when you read his address, that you came to that conclusion?—No.

1434. Did you read his address?—I did read his address.

1435. At what time did you read his address?—Immediately it was published.

1436. Did you disapprove of it?—Undoubtedly.

1437. Be good enough to tell me this passage in Mr. Waldron's address, "Believing the determination adopted by Lord Derby not to act upon any exclusive principle," (*and so on, reading the same*), do you think that putting an end to the ascendancy of any sect or party in Ireland, would be an objectional thing?—I do not say on account of his change of opinion, but on account of his change of party, going over to the party he had opposed during his life.

1438. If the party he had opposed intended to act in a different spirit, and on a different principle with respect to matters you thought they had heretofore acted upon in Ireland, would you on that ground object to his supporting that party?—I wish to correct you in what you stated, that I had alluded to his opinions; I wish merely to restate what I have stated before; he had gone over to another party, not changed his opinion to the party, but gone over to the party.

1439. "I have always advocated the right of the tenants" (*and so on, reading the same*), would you disapprove of that?—I do not disapprove of that.

1440. That relates to relation between landlord and tenant?—Yes; I do not disapprove of it by any means.

1441. Are

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1441. Are you not aware it was the Tory party moved the Catholic disabilities?—Yes; under compulsion.

1442. Now, as to 1866; you disapproved of his candidature in 1866?—Yes.

1443. I believe you called together about the 13th of October, or a little before that, of 1866, the clergy of your diocese?—On the 13th, not before.

1444. Will you look at that letter (*handing the same to the Witness*)?—It bears date the 10th of October, but the clergy assembled on the 13th.

1445. That is your circular, in your handwriting?—That is my handwriting.

1446. In pursuance of that circular, the clergy assembled?—Yes.

1447. May I ask about how many of the clergy assembled on that occasion?—Only, I should think, from 60 to 70, I forget how many exactly.

1448. I suppose you were aware at that time, that Dr. Power, the Bishop of Killaloe, had previously assembled his clergy?—I was aware of that from the public papers.

1449. Had you any communication at all with him before?—None whatever.

1450. You did that *ex mero motu?—Proprio motu*, not *ex mero motu*.

1451. At a meeting of the clergy of the archdiocese, convened by his Grace the Most Reverend Dr. Leahy, held in Thurles, on Saturday, the 13th instant, the following resolution was unanimously adopted, proposed by the Very Rev. Dean Cantwell, P. P., V. G., Fethard; seconded by the Very Rev. Dr. Howley, P. P., V. G., Tipperary: Resolved, "That we adopt there solutions passed at the county meeting held at Thurles, on the 4th of this month. We utterly reject Mr. Waldron's pretensions to represent the County Tipperary. We pledge ourselves to support the Honourable Captain White to the utmost of our power, and we call upon the honest electors of the county to vote for him. Patrick Leahy, Chairman." That is your signature; I see you there pledge yourself to use the utmost efforts in your power to reject Mr. Waldron, and secure Captain White's election?—Yes.

1452. That was on Saturday, the 13th of October 1866?—Yes.

1453. Did you upon that occasion instruct your clergy to make the coming election the subject of addresses in their chapels on the following Sunday?—I did not.

1454. Did you give a permission to make it?—I did not.

1455. Then, if anybody were to say that a Roman Catholic clergyman, in his chapel, had permission of his bishop, or the direction of his archbishop, to address the congregation, it would not be true?—It would not be true, to address the congregations in the chapels; because that is the question you put to me.

1456. Did you instruct them to speak to the congregations in the chapel-yard?—Yes; I suggested it to them, but instructed them not to speak in the chapels.

1457. You took that distinction?—I forbid them at all times to speak of political affairs in chapels.

1458. But in the chapel-yards, upon the Sunday, you suggested they might do so?—Just as any other member of the meeting did, not more than any one else.

1459. That is not the question I ask you; you presided at the meeting, and you were the person highest in rank?—I do assure you, that I had rather to follow than to lead. I was simply in the chair. I was pressed to hold the meeting by the clergy, and I do assure you, on my oath, that I had rather to follow than to lead. I suggested to make those observations; I did not act authoritatively at all; I rather followed than led; I was one of the meeting.

1460. No doubt every body had the highest respect for your position, as I have; all the clergy there had the highest respect for your position and your person?—They had.

1461. And they were all your own clergy?—Yes.

1462. And they were convened in pursuance of your circular?—Yes.

1463. And you, like or unlike any other clergyman, suggested to them to address the congregations on the subject of the elections in the chapel-yards?—Yes; I said, "You are not to speak upon the subject in the chapels; I forbid it; but you may," I cannot say, whether I said you may, or you ought, "but you may do it in the chapel-yards; take the people out, but do not attempt to do it in the church." Will you allow me to add another thing? When I said I forbad the clergy to speak on the subject of electioneering in the church, I did not by any means intend to convey that I would forbid the clergy, or did forbid the clergy, to explain the duty of using the franchise, or to represent to the people that they should not commit perjury at the election, or take bribes at the election. It is a Christian duty not to do any of these things; and when I said just now, that I forbad the clergy to speak of electioneering matters, I spoke of clergymen in their civil capacity as citizens; I did not mean to preclude them from discharging their spiritual duty, by instructing the people how to fulfil the Christian duty of making the right use of their franchise, without speaking of anybody by name.

1464. Not speaking of anybody by name; you pledged yourselves to use your utmost exertions to support Captain White; was there any other candidate in the field?—You seem by the question you put to me, to think that the observation I made with respect to the distinction that ought to be taken between a clergyman speaking of the duty of voting as a Christian duty, and acting simply as a citizen outside the church; you seem to insinuate that the observations that I just now made in distinguishing between these two things, had reference solely and simply to that last meeting; it had not. When I spoke of distinguishing between the two things, I spoke in general terms, not in reference to that election in particular. I did not make use of those observations I now made upon that particular occasion. I had made use of them to the clergy in their meetings, impressing upon them that they were not to mix up the two things, and that they should never speak in their churches of anybody by name, nor of political matters, or electioneering matters, but if they wished to speak about those things at any time, it should be outside their church.

1465. I want to come to Saturday, the 13th of October 1866; there was a meeting convened, of which you were the chairman; the clergy were there, and you pledged yourself by a resolution, signed by you, to use the utmost efforts in your power to secure the rejection of Mr. Waldron, and the return of the Honorable Captain

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Captain White; I ask you, did not you on that day suggest to the clergy, that they might speak on the subject of the coming election in the chapel yards on Sunday the 14th?—Yes; that is in their capacity of citizens and not as clergymen.

1466. But it was to be in the chapel yards on the Sunday, that they were to exercise that capacity as citizens?—Yes, not in any manner in their spiritual capacity, but simply as citizens; and when I was sitting in that chair, presiding over that meeting, I felt, and do feel that I was simply using my right as a citizen of this realm, and not acting as an archbishop.

1467. As I understand, in the chapel yards they might speak on the secular part of the matter of the coming election, and in the chapel they might speak upon the spiritual part of the discharge of the Christian duty of an elector?—Yes, just so.

1468. Would it, either secularly or spiritually, having reference to either in the chapel or in the chapel yard, be an exposition of a Christian duty to tell a congregation, that anybody who voted for Mr. Waldron should be ducked in the river?—Certainly it would be most improper language to be found in the mouth of any clergyman.

1469. If it came to your ears that it was certain that a clergyman had said so, and did not contradict it, would you consider it your duty to take notice of it?—I would consider it most decidedly my duty to visit so unbecoming a thing with my displeasure in some way or another; at least to reprimand the person, that is the very least.

1470. If it was done from the platform of the altar?—Much worse.

1471. I suppose you would give me the same answer if a clergyman were to tell the congregation from the platform of the altar after Mass on Sunday, that Captain White was a Protestant; but even though he were a Protestant, or if he were a heretic, or an infidel, they should prefer him to Mr. Waldron?—From the altar?

1472. From the platform of the altar in the chapel?—During Divine service?

1473. At any period, during the service, immediately after, or immediately before the service?—Will you repeat the question please, and be precise.

Question read.

Witness.] Either the clergyman so speaking would deliver himself so during Divine service, or outside after Divine service, because the question covers both cases; it is ambiguous, and it would make a great difference whether it was during Divine service, or within any part of Divine service, or outside the church. If it should be during Divine service that he so delivered himself, I would consider it my duty to reprimand that clergyman most severely; and if it was outside Divine service, I should disapprove of it, as the language is very strong and improper language in the mouth of a clergyman, no matter whether it was used either within the church or without it; and if used within the church, of course it would aggravate the impropriety of it.

1474. Supposing it was not used in that very violent manner, but merely that they were told inside the chapel to vote for Mr. White in preference to Mr. Waldron, do you think it would be a legitimate exercise of his duty?—I disapprove of clergymen speaking in their civil capacity within the church at all; I forbid most positively that they should use the churches so.

1475. Supposing you thought it was within the spiritual capacity——

Chairman.] Surely these are hypothetical questions.

1476. Mr. *Ryan.*] It would be a strenuous effort to support Captain White, no doubt?—Plainly; there is no need of putting that question.

1477. Has it ever come to your knowledge that any clergyman so expressed himself?—No, it never came to my knowledge till I read it in the "Times" newspaper on Friday or Saturday last.

1478. Is it the fact, that it is the rule in your diocese that in political matters in the selection of a candidate, the minority of the clergy are bound by the selection of the majority?—There is a rule, but to a larger extent than what you have put in your question; it is not exactly the rule as you have stated it.

1479. Substantially?—It is only a particular case included under the rule. I will tell you what the rule is; do you wish me to state it?

1480. I have no wish one way or the other. Is there a rule in the diocese to the effect substantially that on the selection of a candidate in the election the minority of the clergy are bound by the selection of the majority?—Yes; there is such a rule, with a larger import covering that particular case.

1481. Will you be good enough to give us what the rule is?—If the Chairman wishes I should state what the rule is, I will.

1482. To your knowledge, is the rule in force?—It is in force, and has been for about three or four years.

1483. Is there not another rule, that the minority who are so bound to the selection by the majority are not permitted to say anything in favour, at any chapel or chapel yard, of the candidate whom they might wish to support?—Yes; I should think they would be precluded taking public action against the candidate who would be approved of by the majority of the clergy.

1484. The majority might approve and speak in approbation of the selected candidate, but the minority could not say a word in favour of the candidate rejected?—Not in public; but certainly in private they would be at liberty to vote for the other candidate, too.

1485. I talk about using your utmost efforts to effect the rejection of one, and the election of the other?—No, the rule was not made at all by any means with a view to that end. I protest, on my solemn oath, that the rule was made simply to preserve good order and discipline amongst the clergy, and to prevent their giving disedification to the laity by their scandalous divisions. I protest, upon my oath, when that rule was made it was made simply with a view to regulate the conduct of the clergy, so far as they make them observe charity and peace with one another, and to prevent them giving disedification to the laity by having one in one window making a speech for one, and another in another window making a speech against him. It was those scandals spoken of to me that made me introduce that rule to the clergy; and when I made that rule I put it in Synod, and I said to the clergy present, "You are not to suppose I wish to deprive

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prive any man of his reasonable liberty." I said, "Do you think that rule a reasonable rule, that if there is a difference amongst the clergy, some being for one person and some for another, some thinking one thing and some thinking another upon political matters, that the minority should be bound by the majority thus far, that if the minority do not approve of the person or the line of conduct approved of by the majority, that then the minority should hold aloof, remain quiet, and not take any public action contrary to the majority; but be perfectly at liberty to speak in private, and if so minded, to vote for the candidate not acceptable to the majority?" That is the sum and substance of the rule. And I protest, on my solemn oath, that I never thought of introducing that rule for the purpose of securing to myself anything like a dominant power either over the clergy or laity; but I had that rule introduced solely and entirely in order to regulate the conduct of the clergy in the way that it should prevent them giving disedification to the laity. I protest again, on my solemn oath, that it was not made with a view to elections, that is to secure the return of this, that, or the other person. It was not made to that end, and you mistake me altogether if you insinuate that it was.

1486. Whatever the object of the rule was, do not you think the effect of the rule would be to give that dominant power to the majority?—The effect might be so.

1487. Do not you think it would be so?—The effect might overrule my own wishes, because I would look upon myself as concluded by what the view of the majority was.

1488. Do not you think the effect would be so?—The effect would be so, but I never meant it to be such. I never had the rule introduced with a view to elections; it was solely to prevent the clergy giving disedification by their divisions; and I might myself be overruled by the decision of the majority just as well as the humblest clergyman there.

1489. It was merely for the purpose of preventing disedification before the laity?—Mainly, solely, and entirely. I cared little or nothing who would be Member for the county Tipperary; I cared a great deal that my clergy should not give public disedification. It was the scene that took place at the election at Thurles that induced me to make this rule. I found that one clergyman was in one window of an hotel, and another clergyman was in another window addressing people outside; and that it gave the greatest possible disedification to the people, finding two clergymen speaking against one another publicly, and I said, if I could I would prevent it.

1490. Almost every clergyman in your diocese I think, with one solitary exception, namely, Dr. Power, signed those resolutions in pursuance of the meeting?—No.

1491. A great majority?—No.

1492. There were 65 signatures?—That is not the majority of the clergy in my diocese.

1493. What is the proportion of the curates in the diocese to the parish priests?—I should suppose from two or three to one; you may say two to one.

1494. I believe the majority of the curates are non-electors?—Non-electors; how do you mean?

1495. Have not votes?—Do you mean for bishops or Members of Parliament?

1496. I mean Members of Parliament?—That answer of mine was suggested to my mind by your question.

1497. Are not the majority of curates non-electors for Members of Parliament, that is the young curates have not votes in the county?—Yes.

1498. But I believe a great many of the parish priests have?—Yes; I do not know how many may have or may not have by being householders.

1499. In proportion the non-electors amongst the clergy out number the electors?—Yes; I should think it is so.

Cross-examined by Mr. Serjeant *Ballantine*.

1500. You yourself I presume have a vote?—Yes, I have.

1501. The bishops in the diocese, and a great number of the clergy have votes also, as well as the laity?—Yes.

1502. There is a body of landowners, a considerable body in the county also, and their tenantry have votes?—Yes.

1503. How long have you known the diocese?—I have known it since I was born.

1504. You do not remember exactly that, but from that period you have been in the diocese?—For the most part.

1505. Without asking you to go into the divisions, which may be peculiar to Ireland, I suppose there is a Liberal and Conservative party in the county, as there is in the counties of England?—Yes.

1506. Is the Liberal and Conservative party very strongly and decidedly marked in the county of Tipperary?—Yes.

1507. As far as you know, as far as your observation goes, have the elections gone with the Liberals or the Conservatives?—The Liberals, I should think, for the last 25 years.

1508. From your capacity of Archbishop, and before as priest, that is the opinion, as far as you are able to judge of the county?—Yes.

1509. With regard to Mr. Waldron, when he issued this address you say you disapproved of it; did you consider that a Conservative or Liberal address?—I considered it a Conservative address.

1510. Would it be placing Mr. Waldron in direct antagonism with the party he previously supported?—Certainly.

1511. Was that the ground upon which you withdrew your approval of Mr. Waldron?—The sole ground.

1512. I will ask you, because so much has been stated about it, is there one word of truth in saying that the appointment of Mr. Waldron to the Education Board had any effect whatever on your mind in relation to the voting?—I declare most solemnly it had no part whatever in influencing my determination to oppose Mr. Waldron.

1513. From 1860 to the period of his retiring in 1865, were you in constant correspondence with him?—In frequent correspondence.

1514. Were you upon the most friendly terms?—Upon the most friendly terms.

1515. You have had notice from the other side to produce his letters?—Yes.

1516. Have you, in accordance with that notice, got the whole of the letters you received from him during that period?—I have brought with me every letter of Mr. Waldron's in my possession.

1517. You are perfectly willing that every one of

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of them should be put in and read?—I am not only willing that they should be put in and read, but I am most desirous under the permission of the Chair that they should be read, because from the reports of counsel's opening speech I was charged with having been in collusion with the opponents of Mr. Waldron, in getting up the opposition against him behind his back at the very time I was his fast friend, and when I was receiving letters from him acknowledging I was his friend, and expressing his gratitude to me for what I had done.

1518. I have no right to put them in, but you have brought them in obedience to your subpœna, and here they are?—Yes.

1519. In elections of this kind, I presume the clergy must necessarily have a considerable amount of influence?—Yes.

1520. In any arrangement for the support of any particular individual, having this arrangement that has been spoken of, did you justify or countenance any intimidation, or any threats, or any violence?—The very reverse is the case.

1521. It has been asserted that that was the course of action you pursued; did you on the Sunday previously to the election give directions which in your view ought to be pursued in the approaching election?—I did.

1522. You did not preach *vivâ voce*, you had written your sermon and read it?—Yes.

1523. Just tell me whether that is a copy of what you publicly, and for the direction of the people, read (*handing a paper to the Witness*)?—It is what I spoke to them.

1524. It is what you publicly gave for their direction, and for the direction of those who had to exercise their franchise in the coming election?—Yes.

1525. That is in your handwriting?—Yes.

1526. Upon looking at that and refreshing your memory, can you say whether that was accurate?—I have the original in my pocket; it is in such a state that it could not be well read, but I swear that this is exactly transcribed word for word.

1527. Will you kindly read it?—This was the address I made in the cathedral on the Sunday before the election. "If I say a word this morning in reference to the pending election, it is not that I would be understood as speaking from the altar or the pulpit of politics, what are purely and simply politics; that is none of my intention; I disapprove altogether of the introduction or treatment of purely political matters from the altar, and, as the bishop of the diocese, I have forbidden, and do forbid, the clergy under my jurisdiction to make such topics, that is purely political matters, the subjects of their addresses from the altar; I have no intention to do myself what I forbid others to do; I only wish to point out to you your Christian duties, for Christian duties are mixed up with elections, and with what are called politics. If there shall be a contest at this election, I have a word or two of advice to offer; my first advice is, that you abstain from all anger and ill will towards political opponents, whoever they may be, giving them the full and entire liberty each man claims for himself, to vote for whom they please, without your annoying them, insulting them, or seeking in any way to force them into your views. According to the law of the land every man having a vote is entitled to give that vote to whom he pleases, and no one should interfere with his perfect liberty to give it to whom he pleases; you should not subject him to abuse of any kind, because he chooses to give that vote to a person even underserving of it; therefore, there should be no riotous demonstrations to overawe people and frighten them from disposing as they wish of their vote. Demonstrations of public opinion and public feeling, honest opinion and feeling, in favour of our poor, suffering, down-trodden country may and ought to take place. Why not? Only, let them be peaceable, and orderly, and within the law, never violent or offensive to others; but if anyone gives a wrong or a bad vote, he is answerable for it to the tribunal of public opinion, answerable, too, to a tribunal still higher, to that of the searcher of all hearts, who will bring every one to a strict account for the use he makes of his right to vote, the tribunal of conscience. Every Christian is bound to give his vote to a good man, and to none but a good man; you are not bound to give your vote to the best man, but you must give it to a good man, else you turn to a bad account the privilege of the franchise; if you vote for a bad man, for a man that is against your religion, against your country, against the public good, you use your vote against the public interest, it may be against your religion, you commit a sin against your country, your religion, your conscience, your God; and in so serious a matter you commit a grievous sin; but suppose you give your vote even to a good man, but give it for money, for a bribe, that is bribery, corruption, selling what you cannot sell; and, whoever takes money in that way is bound to return it, otherwise he loses his soul; therefore, no bribery, no intimidation, give your vote to a good man, one who will be for your creed and your country. Then you will have done your duty; and if another will not do so, do not molest him, leave him to public opinion."

1528. You felt it to be your duty long before the present election, to convey your views upon the subject of the exercising of the franchise, and the position of persons in relation to their landlords; I believe you have expressed publicly in a pastoral your view of the duty of people in relation to their landlords, and in relation to their public exercise of their duty?—I did with respect to relations between landlords and tenants.

1529. Have you also inculcated peace between them?—Yes.

1530. Have you in any shape or way ever recognised or authorised violence towards persons of a different line of politics?—Never in my life.

1531. As far as your powers are concerned, would you ever permit any one of your clergy to exercise any such means?—Never; the course of conduct I have observed myself, and that I have, as far as I can, always made my clergy observe, is set forth most correctly in a document which Mr. Waldron's agent required me to bring here; that is a copy of the statutes which are in force; regulating the conduct of the clergy in these matters; and if the Chair would permit it, as I was required to bring that document with me which regulates the conduct of the clergy upon these matters, I will read it; it shows them what they may speak of, and what they may not speak of in the churches.

1532. I will not press upon the Committee to have it read; but you have on all occasions inculcated

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inculcated peace, and absence of all intimidation?—Yes, certainly.

1533. Captain White stood upon the Liberal interest, did he?—Yes.

1534. My learned friend has stated that Mr. White was brought into Tipperary at your dictation?—There is no truth whatever in it.

1535. My learned friend only stated what he was instructed to state; is there one word of truth in such an assertion?—No.

1536. Have you, from the commencement to the conclusion of this matter, except in the way you have stated to the Committee, dictated anything whatever to any living being?—I have dictated to nobody; I would not dictate to a child except to tell it its duty.

1537. My learned friend also stated that this county meeting was convened at your instance; is there any truth in that?—No truth.

1538. I suppose from the nature of your advice previous to the election, the elections of Tipperary have been attended with a good deal of violence at times within your knowledge?—There has been violence.

1539. And a great deal of excitement?—A good deal of excitement.

1540. Have you at all times, and did you at the present election, do everything you could to allay such excitement?—Always done my best.

1541. So far from your having an object to excite and intimidate people, your object and desire has been the very reverse?—I have always endeavoured to pursue the opposite line of conduct, to preserve peace amongst the men.

1542. It is imputed to you that you and the clergy have been guilty of intimidation; was there, in your judgment, any necessity for intimidation at all for the purposes of the return of the Liberal Member?

Mr. *Ryan* objected to the question.

1543. Mr. Serjeant *Ballantine* (to the *Witness*).] I ask you whether, in your judgment, there was any necessity whatever for indirect means to secure the election of the Liberal Member?

The *Chairman* stated that the Committee were unanimously of opinion that the question could not be put in its present form, as it was a matter of opinion.

1544. Mr. Serjeant *Ballantine* (to the *Witness*).] As to the meeting of the clergy, at whose instigation was that?—It was convened by me, but at the instance of lay gentlemen who waited upon me previously, and at the instance also of some of the clergy themselves.

1545. I do not know whether it is a fact or not, but have the clergy acted substantially in the same way in preceding elections when Mr. Waldron was a candidate?—Precisely the same way. I hold Mr. Waldron's letters here expressing gratitude for having done so.

Mr. *Ryan* stated that Mr. Waldron was not a petitioner, and therefore the question could not be gone into.

Witness.] The whole matter is alleged in the other petition.

1546. Mr. Serjeant *Ballantine* (to the *Witness*).] Have the same proceedings taken place in favour of Mr. Waldron when he was considered to be upon the Liberal side, and with his entire knowledge?—The very same.

1547. Upon those occasions or this, have you used any other than peaceable means for the purpose of obtaining what you think a fair political right?—None whatever.

1548. You and the clergy supported Mr. Waldron up to the time you supposed he changed, as you supported Mr. White on the recent occasion?—Yes.

1549. Had you then received Mr. Waldron's thanks?—And gratitude.

1550. No, his thanks?—His thanks.

1551. You have letters in your possession from Mr. Waldron expressing his thanks upon the subject?—Yes.

Mr. *Ryan* objected to the contents of letters being obtained from the Witness unless the letters were put in.

1552. Mr. Serjeant *Ballantine* (to the *Witness*).] You have all those letters?—Yes.

Mr. Serjeant *Ballantine* proposed to put in the correspondence which had taken place between Mr. Waldron and the Witness between 1860 and 1865, and which the Witness had been called upon by subpœna to produce by the Petitioners.

Mr. *Ryan* objected to any of the correspondence being put in unless the whole of it were put in, whether marked private and confidential or not.

Mr. Serjeant *Ballantine* stated that the whole of it should be put in.

The *Chairman* stated that the Committee wished to be informed what period was covered by the correspondence, and whether it related to the last election merely, or to previous elections as well.

Mr. Serjeant *Ballantine* stated that the correspondence was between the years 1860 and 1866, and related not only to the present but to previous elections. He further stated that, if the Committee desired it, he would only read those letters applying to the last election.

Mr. *Ryan* objected to parts of the correspondence being read, unless the whole were read.

After consultation,

The *Chairman* stated that the Committee were of opinion that the correspondence could not be put in.

Re-examined by Mr. *Ryan*.

1553. This sermon you preached was preached at the Catholic chapel at Cashel upon Sunday, the 13th?—No, Thurles.

1554. Wednesday was the nomination day, and Saturday the polling day?—Yes.

1555. There was no Sunday except that Sunday between the 13th and the polling day?—No.

1556. Therefore your sermon, addressed to your congregation in Thurles, could not have been known through the county at the other chapels?—Certainly not.

1557. And whatever sermons were preached there, were preached by the respective clergymen through the respective chapels throughout the county?—Yes.

[The Witness withdrew.

CLEMENT SADLER, was called in; and, having been sworn, was Examined, by Mr. *Bourke*, as follows:

Mr. *C. Sadler.*
1 April 1867.

1558. Do you keep a public-house?—Yes.

1559. Do you know the place called the Cross-roads of Scarragh?—I do.

1560. How far is that from Nenagh?—I could not tell you.

1561. How far from the town of Tipperary?—Between eight and nine miles, I suppose.

1562. Is your public-house near the Cross-roads of Scarragh?—Within two miles of it.

1563. Do you recollect the morning before the last election for the county Tipperary?—I do.

1564. Was that the morning before the polling day?—The morning of the polling day.

1565. Saturday was it?—Yes, it was.

1566. Were you at the Cross-roads of Scarragh that morning?—I was.

1567. Do you know the gentleman called Father Power?—Yes.

1568. Is he the parish priest?—No; a curate.

1569. Of your parish?—Yes, he is.

1570. Did he come to your house that morning?—He did.

1571. What time was it?—I could not exactly know.

1572. About; was it six in the morning?—I could not say; it was early.

1573. Before 10?—Yes, it was before 10 o'clock.

1574. What did he do at your house?—He called me to get the car ready, and he was riding on his own horse.

1575. Did he buy anything from you?—Yes.

1576. What did he buy?—He did not buy that morning; he ordered me the evening before to have a gallon of whiskey ready, and 2 *s.* worth of bread.

1577. That was the evening before?—Yes.

1578. In the morning had you the whiskey and bread ready for him?—Yes.

1579. Did he pay you for it?—Not that day.

1580. He took it away with him?—I took it away with me in the car.

1581. Where did you take it to?—The Cross, Scarragh.

1582. Did you go with him?—I did not go with him; I followed him; he went before me.

1583. You got to the Cross of Scarragh with him?—Yes.

1584. What happened at the Cross of Scarragh?—He desired me to give a glass of whiskey to every voter there, and a loaf of bread.

1585. He told you to give a glass of whiskey to all the voters?—Yes, and a loaf of bread; as I had not any meat to get ready for them the night before; if I had cold meat and bread, he would give them that, but I had no meat.

1586. What did you do?—I carried the whiskey.

1587. Did you give the voters whiskey?—Yes.

1588. And bread?—Yes, I did.

1589. How many voters were there?—I could not tell you how many voters was in it.

1590. Were they shouting?—They were not, nor anything else.

1591. Did you hear Father Power speak to them?—I did.

1592. What did he say?—He said if he had not 30 voters at the Cross of Scarragh, he would send them down to Dundrum, to go with Captain Bagwell, their landlord.

1593. Did Father Power ask them to vote for anybody?—I did not see him ask them to vote for anybody; that is what he said, if he had not 30 voters at the Cross of Scarragh, they would go to Dundrum, and go with Captain Bagwell.

1594. Was that Mr. Bagwell formerly Member for Clonmel?—Captain Bagwell Purefoy.

Cross-examined by Mr. *Hackett.*

1595. Did you see Father Power the night before the polling?—I did.

1596. Did he come to your house on that occasion?—He did.

1597. Did he endeavour to make any arrangement with you about providing breakfast for the voters next morning?—Yes; I was after saying bread and meat.

1598. You were ready to provide them with meat?—No.

1599. Did you give him any hint as to what they would like as well as meat?—They would like a glass of whiskey and a bit of bread as well as meat.

1600. That is what they did get?—Yes.

1601. You said they were perfectly peaceable at the Cross?—There was not a word said no more than there is here now, shouting or anything else.

1602. Did every man appear to be there of his own accord?—Every whole man; no compulsion for any man.

[The Witness withdrew.

MR. PATRICK MACKEY, was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

Mr. *P. Mackey.*

1603. I BELIEVE you live at Templemore?—Yes.

1604. Are you a commercial traveller?—Yes.

1605. You have a vote for the county Tipperary?—Yes.

1606. Did you proceed to Thurles for the purpose of exercising your franchise that morning?—Yes.

1607. Was there much excitement in Templemore that morning?—There was some excitement in Templemore.

1608. How did you proceed from Templemore to Thurles?—On my own car.

1609. Did you go the direct road into Thurles?—No, I did not.

1610. When you came into the town, describe the scene that presented itself there?—There was a great deal of excitement and some fighting.

1611. Did you see any people struck?—I saw people fighting with sticks.

1612. Did you see any of Mr. Waldron's voters struck?—I was not near enough to know who they were.

1613. Did you see any stones thrown?—No; I saw them fighting with sticks.

Mr. *P. Mackey.*

1 April 1867.

1614. When you got into Thurles, how far did you get?—As far as Mr. Boyton's Hotel.

1615. Did you come in at the Templemore end of Thurles, or at the opposite end?—I came in at what we call the bridge end.

1616. You went round?—Yes.

1617. When you got to Boyton's Hotel, what did you find?—I met some of my neighbours.

1618. In consequence of anything they told you, what did you do?—I returned home immediately.

1619. You did not vote for Mr. Waldron?—No.

1620. Did you go with the intention of voting for him?—Surely.

1621. Did you see the mob there?—Yes.

1622. Was it a peaceable or a furious mob?—A very furious mob.

1623. You thought discretion was the better part of valour?—Yes.

1624. You were afraid of going up to vote?—I did not want to get myself injured.

Cross-examined by Mr. *Hackett.*

1625. Did you make any endeavour to get beyond Boyton's Hotel?—No, I made no endeavour to go beyond, when I heard of all the excitement.

1626. Do you know the Court-house at Thurles?—Yes.

1627. It is not a very great distance from the hotel?—Not five minutes' walk.

1628. Your evidence is simply this, that you drove to Boyton's Hotel?—I did not leave my horse there.

1629. You got as far as Boyton's Hotel?—Yes.

1630. And you went no further?—No.

1631. What barony did you vote for?—Elliovarty.

1632. Mr. *Ryan* (through the *Committee*).] How far had you driven in, for the purpose of voting?—From Templemore.

1633. How many miles?—The way I came, about eight miles.

1634. Mr. *Hackett* (through the *Committee*).] Did you meet any obstruction in your way?—No; the way I came was a lonely road.

1635. Mr. *Ryan* (through the *Committee*).] You had no placard on your shoulders, saying who you were going to vote for?—I was going to do it quietly.

[The Witness withdrew.

Mr. Henry Archdale Wood, was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

Mr. *H. A. Wood.*

1636. Are you general inspector of constabulary stations at Dundrum, in the county Tipperary?—Yes.

1637. In pursuance of orders of your superior officers, you went to Tipperary to preserve the peace at the election?—Yes.

1638. About what force of men had you under your immediate command?—Twelve.

1639. Was there a good force of police, and cavalry and infantry, in the town?—There was a large force of cavalry and infantry, but not such a large force of constabulary.

1640. What cavalry was there?—There was a squadron of the 12th Lancers.

1641. And what infantry?—I do not know how many infantry; there was a major in command of them.

1642. I suppose there were some companies of the 64th?—I fancy three or four companies.

1643. Do you remember the morning of the polling?—Yes.

1644. You were told off with your men and a party of the lancers and infantry, to protect the voters between the railway station and the polling place?—Yes.

1645. Whose supporters were you told off to protect?—None; to escort voters.

1646. Do you know now whose supporters those voters were which you were escorting?—Mr. Waldron's.

1647. What time did the first train arrive at the station that morning?—Between eight and nine o'clock.

1648. Do you know from whose estate some of those voters were coming?—They came with Mr. Bolton, Lord Derby's agent.

1649. From somewhere near the Limerick Junction?—That was a down train, from Limerick to Waterford.

1650. As nearly as you can say, what force had you with you up to the first train, when you went up on the first occasion?—We had the same number all through.

1651. A squadron of lancers?—No.

1652. That was the whole force in the town?—Yes.

1653. What force had you with your immediate party?—A troop of cavalry and a part of a company of infantry.

1654. Some of your police?—And my own 12 men; I suppose there was a troop of cavalry, two captains; a captain of infantry and a captain of cavalry.

1655. Had you 100 altogether?—Yes.

1656. At that early hour of the morning, eight o'clock, was there a mob collected?—No.

1657. With the first party you came up with, did anything occur; was anything done to any voter?—They came up very quietly into the town; there were a few stones thrown in Nelson-street.

1658. You got out with comparative quiet?—Yes.

1659. By the *Committee*.] That was a party of Mr. Waldron's voters?—Yes.

1660. Mr. *Ryan*.] About 11 o'clock, did the mob increase?—Yes, they did.

1661. Is there a train that comes from the neighbourhood of Bansha, between 11 and 12 o'clock?—Yes.

1662. In the discharge of your duty, you told us that you went down to meet that train?—Yes.

1663. Did any of Mr. Waldron's supporters come up by that train?—Yes.

1664. Can you say how many?—I daresay there were about 100.

1665. Do you know Mr. Maguire of Toureen?—Yes.

1666. Do you remember seeing him that night?—Yes.

1667. Do you know Mr. Lowe of Carshar?—Yes.

1668. Do

1668. Do you know Mr. Massey?—Yes.

1669. And Mr. Howe of Castle Park?—Yes.

1670. Do you remember Mr. Baker of Lismahago?—Yes.

1671. A legal gentleman of large property?—Yes.

1672. They were with that party of voters?—You mean the train from Bansha?

1673. Yes?—Yes; all these gentlemen you mentioned now came up in that batch.

1674. Will you tell us what disposition you made of the force under your command; what did you do when the voters came out of the train?—When the voters came out of the train we marched them out of the railway station, where the escort received them in the centre, and they brought them up with the cavalry in front and rear, the infantry lining each side; they came and brought them up to the polling booth, or to the Court-house, which was the same.

1675. When you got some distance from the railway station, did you see a mob of people?—Yes.

1676. Tell the Committee about how many persons you saw in that mob?—I cannot be able to tell that; there were several hundreds.

1677. There were several hundreds?—Yes.

1678. When you saw that large mob, what did you do?—All the voters went round by the Abbey instead of going straight up; they came along another street.

1679. Is that a more retired way?—Yes; it is the easiest way to bring them up.

1680. But the main street would have been the natural way under ordinary circumstances?—Yes.

1681. When you got to the main street, did that manœuvre of yours succeed, or did you find when you got to the main street a mob?—Yes.

1682. They had got ahead of you?—Yes, they had.

1683. As you were getting into the main street, what did you see; describe what took place there?—The mob were getting rather violent, and stones and other missiles were thrown.

1684. At whom?—At the voters.

1685. Under your escort?—Yes, under our escort.

1686. Do you know Mr. Lowe?—Yes.

1687. Describe anything that occurred to him?—He was cut by the side of the nose with some missile.

1688. Mr. *Hackett.*] Did you see the blow given?—Yes, I saw the stone passing, and I gave him a pocket-handkerchief.

1689. Mr. *Ryan.*] He is Deputy-Lieutenant of the county?—He is a grand juror.

1690. Did you see anything occurring to Mr. Home?—Yes, Mr. Home was also cut in the face by a stone.

1691. Did you see Mr. Maguire of Toureen?—Yes.

1692. What occurred to him?—He was also struck.

1693. In the same way?—Yes.

1694. Mr. Baker of Lismahago?—Yes.

1695. Did anything occur to him?—Yes.

1696. What occurred to him?—He was also struck; I do not know whether he was struck with a stone; I know he was desperately dirty.

1697. Did you see anything occur to Mr. Arundel of the lancers?—Yes.

1698. What was it?—He was also struck by a stone on his helmet.

1699. As to a private in the lancers, did anything attract your attention to him?—I saw his lip split; it was split here (*describing the same*).

1700. From a blow?—Yes.

1701. Did you see any others there, those persons you have named struck, of the voters?—There were several others struck whose names I do not know.

1702. At last you got up to the Court-house?—Yes, we got them all up.

1703. Without the escort, would it have been impossible for those men to have gone up; from what you saw, could they have gone up without the escort?—I should have been very sorry to have gone without the escort.

1704. You mean if you were a voter of Mr. Waldron?—Yes.

1705. Were you called upon to protect Captain White's voters?—No.

1706. About what o'clock did you next go down to the railway station?—We went down to receive the half-past 12 train; quarter to one, the mid-day train.

1707. From what direction does that train come?—From Limerick.

1708. It is the same direction?—No, the opposite; it is going down.

1709. Do you know of the Rev. Mr. Leech, and the Rev. Mr. Smith?—Yes.

1710. They are clergymen of the Established Church?—Yes.

1711. Did they come by that train?—Yes.

1712. And several others, supporters of Mr. Waldron?—Yes.

1713. Did you perform your duty in the same manner as you described before?—Yes.

1714. Were you about to proceed in the same way by the Abbey, as you described you did at 11 o'clock?—Yes, we brought all the voters the same way.

1715. When you got to the turn at the Abbey, did anything occur?—Yes, there was a large mob waiting again for us at the top of the hill.

1716. What did they do?—They formed round us, and some stones were thrown in.

1717. And in the main street?—Then the violence became very great there.

1718. Did you see anything occur to the Rev. Mr. Leech?—Yes.

1719. What did you see?—I saw the back of his head cut.

1720. By the blow of a stone?—Yes.

1721. Was he actually cut?—He was.

1722. And the Rev. Mr. Smith?—The same; they were both walking together.

1723. Did you see any constabulary?—Yes; one of my own men I saw was cut in two places at the back of his head.

1724. Did you see any of the constabulary struck?—No.

1725. Did you get a blow yourself?—I did, indeed.

1726. Where were you struck?—The back of my head, and I was wounded; the ornament in front of my forage cap, I received the blow there; the ornament was bent in two and saved my head.

1727. You were struck on the back of the head and the front of the head; did you get any blows on the body?—Yes, I got my watch broken in my pocket.

1728. A man

Mr. *H. A. Wood.*

1 April 1867.

1728. A man in the constabulary, you say, was struck; was he injured to any extent?—Yes, Dr. Naden was sent for immediately, and the man was relieved from duty.

1729. Was the man able to keep on duty?—No, he was sent home in consequence of injuries he received; Dr. Naden attended us there.

1730. Had they a little temporary hospital got up in the Court-house for dressing the wounds of the voters?—The grand jury room; when I went in Dr. Naden was attending Mr. Leach and Mr. Smith; I was brought in also to see him.

1731. There was a small infirmary in the Court-house?—Yes.

1732. Did you know James Ryan, of Glenpadeen?—Yes, James Ryan Tobacco.

1733. Is he living or dead?—He is dead.

1734. In the discharge of your duty, did you go to the house of Ryan?—I did.

1735. Attended by a magistrate?—Yes.

1736. Mr. Bailey?—Yes.

1737. You took a dying declaration from him?—No.

1738. He made a statement in your presence?—Yes.

1739. Was that the day before he died?—It was about four o'clock on Saturday, and on the following Monday I saw him dead.

1740. At four o'clock, Saturday, he made a statement to a magistrate in your presence?—Yes.

1741. Was the man dying at the time?—He was.

1742. Will you tell us what the statement he made to the magistrate in your presence was; it was not reduced to writing?—No.

Mr. Serjeant *Ballantine* objected to the Witness stating what the man said in his declaration, except he was aware that he was dying.

1743. Mr. *Ryan.*] Was the man aware that he was dying at the time?—The man had hopes of living sometimes, and sometimes he had not.

1744. At the moment he made the declaration, from anything he said, I ask you was he under the impression then that he was dying?—No.

1745. He lived at a place called Glenpadeen?—Yes.

1746. You attended the inquest?—Yes.

1747. Did you hear the finding of the coroner's jury?—I did.

1748. That was James Ryan Tobacco, of Glenpadeen?—Yes, I saw him dead on the same bed as I spoke to him on Saturday.

[The Witness withdrew.

PHILIP MAGUIRE, Esq., was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

P. Maguire, Esq.

1749. WHERE do you reside?—At Tooreen, county Tipperary.

1750. Are you a voter for the town of Tipperary?—Yes.

1751. Are you a magistrate of the county?—Yes.

1752. What is your polling district?—The town of Tipperary.

1753. On the day of polling at the last election did you go with some other voters to the town of Tipperary?—I did.

1754. To vote for Mr. Waldron?—Yes.

1755. How many did your party consist of?—I could not exactly give the number; I should say there was something over 100; that was by the time we got to Tipperary.

1756. Where did you get into the train?—At Bansha.

1757. You went by train to Tipperary?—Yes.

1758. How far is the railway station at Tipperary from the Court-house?—I should say something under a quarter of a mile or so.

1759. Are the polling places in the Court-house?—Yes, all.

1760. Do you recollect the time at which you arrived at Tipperary?—Something about 10; there was a delay of the train.

1761. The train was delayed?—Yes, a little; it was later than usual.

1762. When you got to the railway station at Tipperary, were you met by a body of cavalry and police?—Yes, and infantry.

1763. To escort you towards the Court-house?—Yes.

1764. On your way from the railway station to the Court-house did you meet a mob?—Yes.

1765. About how far away from the railway station was that?—About a couple of hundred yards; between 150 and 200 yards was the first mob we met.

1766. What was the conduct of the mob?—They commenced by hooting and shouting at us, and in pelting stones.

1767. Did they pelt many stones?—Yes, a good number; not very many; not so many as subsequently occurred.

1768. Where were the infantry at this time who were escorting you?—There were one single file on either side of the voters.

1769. The voters in the middle?—Yes.

1770. Where were the lancers or dragoons?—The 12th Lancers?

1771. Were they in front of you?—Some in front and some in the rear; the police were in the front also.

1772. Did the lancers do anything when they saw the mob?—Not at that time.

1773. When you got near the Court-house something else happened?—As we got to Nelson-street, which is the street in which the court is situated, the crowd was very much greater, and they were very violent there; stones were thrown, and very thickly, from both sides.

1774. Do you recollect any of the cries of the mob?—No, I cannot say I do; the noise was very great; I could not recollect any of the exact words that were said; they were mostly groaning at us.

1775. Were they groaning for anybody in particular?—No, they were groaning at us.

1776. Where were the military at this time?—In the same order I have described to you; but when I saw the state the party was in, I addressed the magistrate; the name of the magistrate was Mr. Green.

1777. Did the mob try to break through the military?—Yes, the mob did; I turned two or three of them back myself, and some of the other gentlemen did the same, and Mr. Wood, the sub-inspector, also did.

1778. Were

1778. Were there a number of stones thrown at this time?—Yes, there were a great number.

1779. From the mob?—From the mob.

1780. And from other people?—From the windows.

1781. Did the shouting and hooting proceed from the windows as well as the mob?—I cannot say who they were; whoever were in the windows kept a little backwards.

1782. Were any of the voters injured?—Yes, several.

1783. In your presence?—Yes.

1784. Badly?—Mr. Lowe, of Kishane, was struck in the corner of the eye and nose with a stone, which swelled up very quickly, and bled profusely.

1785. Mr. Green?—Mr. Green was struck; there was a man of the name of Bownes struck, and several other men I do not know the names of.

1786. Do you know Mr. Cleary?—Yes; he was struck.

1787. Besides those whose names you know, there were several others struck also?—Yes; I saw blood upon several others.

1788. You spoke to the stipendiary magistrate; did he state anything to you in consequence of your speaking to him?—Yes; I said I would hold him responsible if he did not protect the voters.

1789. Did you see him subsequently?—Yes.

1790. Eventually you got up to the Court-house?—Yes.

Mr. Serjeant *Ballantine* stated that he did not dispute that there was rioting.

1791. Mr. *Bourke.*] The whole of this time was the mob very furious?—Very.

1792. Did you see any priests at this time?—Not at that time.

1793. Did you see them at all during that day?—Yes.

1794. Where were they?—After one party had voted, we were standing opposite the Court-house, not being able to get down the town on account of the mob; we were afraid to encounter them, and we were standing there till the escort would be ready to return to the train, and during that time the voters for Captain White came up, a very long string of them in cars and carts, and on some of the cars I saw some of the Roman Catholic clergymen standing. *P. Maguire, Esq.* 1 April 1867.

1795. Where were they?—Standing on the cars with the voters; they were the voters for Captain White; they had green boughs and branches in their hands.

1796. What time did you leave the Court-house?—We left about 12 o'clock; somewhere about 12; we were to meet the up train.

1797. Were you guarded in the same way from the Court-house down to the hotel as from the railway station to the Court-house?—We went to the railway station again; we could not get to the hotel; we had to return to the station and get our way home.

1798. On your way back, did the same thing occur?—There was a good deal of rioting on our way back also; there were very few parties of voters at this time; they were merely gentlemen that went back by that train.

1799. Did you see any of the dragoons struck?—No, I cannot say I saw them struck; I heard of them being struck, but I cannot say myself; I did not see any blow directly; there was one man who came forward flourishing his stick, and I heard afterwards he was struck; it was sworn to at the Court of Sessions; I took the stick out of the man's hand myself.

[The Witness withdrew.

Mr. Serjeant *Ballantine* stated that he did not dispute the fact that there were riots at particular points during the election.

Mr. Matthew Givans, was called in; and, having been sworn, was Examined by Mr. *Cunninghame,* as follows:

1800. You are a Farmer?—No; my father is a farmer.

1801. You reside with your father?—Yes, I do.

1802. Where do you reside?—In Gleniva.

1803. Near the town of Tipperary?—Four miles from it.

1804. Do you remember having left your house with your father to proceed to Tipperary the last polling day?—Yes, I do.

1805. Was there anybody else with you except your father?—Robert Givans was with us.

1806. What is your father's name?—John Givans.

1807. In whose interest did your father proceed to Tipperary?—To vote for Mr. Waldron.

1808. There is a place on the way from your house to Tipperary called the workhouse?—Yes, near the town.

1809. Do you remember when you arrived at that part of the road, what occurred there?—We met a whole lot of people coming out against us; a mob.

1810. How many persons; were they armed?—Yes, some of them had sticks, and one had a large stone.

1811. Did any of them do anything to any of your party?—One of them gave me a big cut in the head; they first pushed me back, and said, "Go home;" and he ran into me, and podged me with a stick several times on the back, and pushed me on before him, and gave me a blow on the back of the head. Mr. *M. Givans.*

1812. You do not know what his name is?—No.

1813. The workhouse was not a direct way from your house to Tipperary?—It was the direct way.

1814. Did you see anything happen to Robert Givans?—A man came out of the crowd with a large stone in his hand, and took him by the neck and hit him on the head with the other hand. A man came up to prevent him hitting him.

1815. Was Robert Givans a blind man?—Yes, my father.

1816. In addition to offering this violence, did they say anything to him?—No, they did not. I did not hear them say anything. We were a little confused, and could not hear everything.

1817. Did the man who held the stone over Robert Givans' head strike him with it?—No.

1818. Just state how it was prevented?—Another man ran out of the crowd and prevented him hitting him with the stone, and told him not to

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to hit him, and he ran over to the man who was hitting me with the stick, and told him not to hit me again.

1819. Did you go to the polling place?—No.

1820. Did any of your party go to the polling place?—No, we did not go. My father, Robert Givans, and the other who was with me, did not go.

1821. You went home?—Yes. This mob pushed us a good piece of the road, and drove us home.

1822. Were you yourself beaten?—I got a stroke of a stick in the head, and a big cut. My neck was all covered with blood.

Cross-examined by Mr. Serjeant *Ballantine.*

1823. Had you ever voted at the Tipperary elections before?—I have no vote.

1824. You have no vote?—No.

1825. I thought you were prevented from voting?—My father that I was with; I was going with my father; he is a blind man.

1826. He would know whether he was prevented or not; I think he is quite well?—He is; he is an old blind man, nothing more than that.

1827. Was there anybody else prevented from voting?—Robert Givans.

1828. Who is he?—A neighbour.

1829. Is he a relation of yours?—He is.

1830. What relation is he to you?—Second or third cousin.

1831. Is he old and blind?—No.

1832. Is he here?—He is here.

1833. Who else?—Father, and Robert Givans.

1834. Those are the only two?—Yes.

1835. Who did your father vote for the last Tipperary election before that?—He did not vote for anybody before that.

1836. Did not he vote for the Liberal candidate?—No.

1837. He has always voted for the Liberal candidate?—No; at the election before the last he did not vote at all.

1838. Whenever he did vote he was Liberal, was not he?—I do not exactly know what you mean by Liberal.

1839. Your father is not here, but the other man is?—Yes.

1840. Where does your father vote?—The barony of Clonwilliam.

[The Witness withdrew.

Mr. Robert Givans, was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

Mr. *R. Givans.*

1841. Are you brother to the last witness, who has just gone out?—No; cousin.

1842. You are a farmer living near Tipperary?—I am.

1843. Have you a vote for the county?—I have.

1844. How many acres of land do you farm?—Over 100 acres.

1845. On the morning of the last election for Tipperary, did you leave your house with the last witness, your cousin, and with his father, John Givans?—I did.

1846. Is his father an old blind man?—He is an old blind man.

1847. He is a voter for Tipperary?—He is.

1848. Did you go to Tipperary to vote for Mr. Waldron?—I did.

1849. Do you remember coming to the workhouse, which is near the town?—Yes.

1850. When you got there, just state what happened?—We were met by a mob, I should think, of 20 to 30.

1851. You three were?—Yes, we three. I was.

1852. Had they anything in their hands?—One of them had a stone, and held it over my head. They caught me by the neck here with the other hand.

1853. What happened then?—They told us to go back, and shoved us on.

1854. Had any of the others anything in their hands?—I saw a stick with one of them.

1855. When they told you to go back, what did you do?—I went back.

1856. Did the other two go back with you?—Yes, they did.

1857. Did they strike any of your party?—I did not see them striking, but I saw my cousin's head bleeding.

1858. Did either you or John Givans vote?—No; we were sent back. We would not be let in.

1859. You did not vote at all?—No, we did not vote at all.

Cross-examined by Mr. Serjeant *Ballantine.*

1860. Had you a vote at the former election?—Yes.

1861. Did you vote?—No; they would not let me in to vote.

1862. The mob would not let you vote at the former one?—No; they shoved me back again.

1863. Who were you going to vote for then?—Mr. Waldron.

1864. The time before, did you vote?—The time before I voted for Mr. Moore.

1865. The Liberal candidate?—I do not know; I am not sure.

1866. Do not you know whether you voted for a Liberal candidate or a Conservative?—No.

1867. You do not know the difference?—No.

1868. And do not care?—I were asked by a friend to vote for Mr. Moore the time before this.

1869. When you are asked by a friend to vote you do it?—Yes; especially when I like the party I am voting for.

1870. Which is the party you like, the Liberal or the Conservative?—I do not know which of them. I think Mr. Moore was a good man, and Mr. Waldron was also.

1871. What time in the day was this?—I really could not say.

1872. You did not try very hard to vote?—I thought it was no use trying to go up; I could not go up with the mob.

1873. Did you ever mean to vote?—I did, indeed.

1874. How many other voters were there with you?—There was only one voter with me, and a voter's son.

1875. You made up a party of three?—A party of three.

1876. Whom do you hold your farm under?—Under Captain Dawson.

Re-examined

Re-examined by Mr. *Macnamara*.

1877. How far had you walked that morning with the intention of voting for Mr. Waldron?—I went within a quarter of a mile of the town of Tipperary.

1878. How far from your house is that?—Between three and four miles.

1879. And when you got to the workhouse, near Tipperary, you there met with these people?—Yes, we there met with a mob.

1880. Did I understand you to say that you were going to vote for Mr. Waldron because you heard that he was a good landlord?—

[The Witness withdrew.

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Mr. JOHN MURPHY, was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:—

1881. WERE you employed by Mr. Coran at the last election for Tipperary?—Yes.

1882. As conducting agent for Mr. White?—Yes.

1883. What were you employed to do?—To act as canvassing and managing agent for the Clogheen district.

1884. Did you go into Clonmel, before the election, to see Mr Power?—Yes.

1885. What did he tell you to do?—He gave me an order authorising me to act as such.

1886. Do you know a gentleman called Mr. Phelan?—Yes.

1887. What is he?—A shopkeeper in Clogheen.

1888. Did Power give you anything to give to Phelan?—No, he did not; he gave myself an order to get a barrel of beer.

1889. What did you do with that?—The order would not be taken unless the money was paid by some of the publicans in Clogheen.

1890. Do you know Mr. Slattery?—Yes.

1891. Did you endeavour to get drink to give to anybody?—The mob got no drink from me till the night of the 20th.

Mr. Serjeant *Ballantine* objected to the question of treating being gone into.

Mr. *Ryan* stated that treating was a means of collecting a mob together and exciting them, but that he did not propose to go into particulars.

1892. Mr. *Bourke* (to the *Witness*).] Did you get a flag made in Clogheen?—Yes.

1893. What did you do with it?—I gave it to the mob.

1894. Did you see any windows broken that day?—No, I did not.

1895. Have you been tried lately for anything that took place at this time?—Yes.

1896. You pleaded guilty?—Yes.

1897. Was that to transactions that took place on the 19th of October?—Yes.

1898. What did they say you did?—There was nothing to be proved but that I was in the crowd.

1899. In Clogheen?—Yes.

1900. What did the crowd do?—I did not see them doing anything.

1901. Did not you see them breaking windows?—They might do.

1902. You pleaded guilty to that?—Yes: according to my solicitor's directions.

1903. Who is he?—Mr. Slattery.

Mr. *J. Murphy.*

Cross-examined by Mr. Serjeant *Ballantine*.

1904. What did you plead to?—He told me that any three persons forming a body formed a riot.

1905. And inasmuch as you were one of the three, you were guilty of the riot?—Yes.

1906. What did you get for it?—Fourteen days' imprisonment.

1907. Did you do any act whatever, or commit any disturbance whatever, by the orders of any persons superior to yourself?—No.

1908. Or by the orders of anybody?—No.

1909. Were you, in point of fact, directed by Mr. Power to behave perfectly quiet?—He did not speak of such to me.

1910. Did not he say, "Take care of any row," or anything of that kind?—No, he did not.

1911. You were employed as a canvassing agent?—Yes.

1912. As an agent, did you do more than canvass?—Nothing more.

Re-examined by Mr. *Ryan*.

1913. And you were not guilty of anything?—No.

1914. Nothing in the world?—No.

1915. And Slattery advised you to plead guilty?—Yes.

1916. The evidence did not come out at the trial?—No; it was not very agreeable to be in 14 days.

[The Witness withdrew.

Mr. JEREMIAH MURPHY, was called in; and, having been sworn, was examined by Mr. *Macnamara*, as follows:

1917. ARE you a Constable?—Yes.

1918. Were you at the station at Clogheen on the 19th of October last?—Yes.

1919. About how far is that from Clonmel county town?—About 12 Irish miles.

1920. Do you remember the evening of the 19th of October last?—Yes, I do.

1921. Did Mr Neil Brown, the resident magistrate there, come to the police barracks?—He did.

1922. You were there and saw him?—Yes.

1923. Was there anything the matter with him, that you could perceive?—Yes, he had a black eye.

1924. Did he come for some of the constabulary?—He did.

1925. Did you go out, with some of the constabulary, with him?—Yes.

1926. When you went out, what did you see there?—There was a crowd of about 100 people round the hotel door; Mr. McRea's hotel, in Clogheen.

Mr. *J. Murphy.*

1927. What

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1927. What had they with them?—They had a flag, with the words, "White for ever" on it. We marched through the crowd and separated them.

1928. What were they doing then?—They were very uneasy and excited. We marched through them and put them at one side, and there were stones thrown at the hotel windows and broken, and the police barrack windows were broken.

1929. About what time in the evening was this?—Between six and seven o'clock.

1930. They threw stones at you?—Yes.

1931. And I believe at the windows of the hotel?—Yes.

1932. And where else?—The police barracks.

1933. Were the windows broken?—They were.

1934. Were the mob calling out anything?—Yes; they were saying "Down with Waldron and up with White!" and shouting "White for ever!" and "Down with the Bobbies!" and several expressions of that kind.

1935. Were the windows broken, too?—Not that night, that I am aware of.

1936. Did you see in that crowd the last witness, John Murphy?—Yes; he was leading the mob that night; he was the principal leader of the mob that night.

1937. On the polling day, the next night, between six and seven o'clock, were you out again?—Yes.

1938. Just state what was going on then?—We went towards Mr. Reece's house; the windows were broken. There was a large crowd, over 100. As we were going down there were stones thrown at us, and I was struck myself with one of the stones.

1939. Were you yourself struck by a stone?—Yes.

1940. Did you see others struck?—Yes; 20 or 30 of the police were struck that night.

1941. Had you to do anything to disperse the mob?—We went through the crowd; it was opposite McRea's, and we were accompanied by Mr. Neil Brown, the resident magistrate. There was a large crowd of over 100 persons opposite Mr. Atkins' public-house: there was a man named John Buller addressing the crowd, and exciting them, waving his hat. We were ordered to fix swords, and we fixed swords at the opposite side of the street, Mr. Duggin's house; we went over to that side and dispersed them, and told them to go home; and on our return back towards the hotel, there were stones thrown at us in the direction of Pound-lane.

1942. Were there more windows broken on that occasion?—Mr. Reece's windows were broken, and the windows of the Bridewell.

1943. The Bridewell windows were broken also?—Yes.

1944. At the private houses were the windows broken?—Mr. Reece's was a private house.

1945. Was he a supporter of Mr. Waldron?—Yes, he was, as far as I can understand.

Cross-examined by Mr. Serjeant *Ballantine.*

1946. Do you know anything about it, whether he was or was not: did you see how he voted?—No, I did not.

1947. This row was after the polling had closed, was it not?—Yes; it was before and after the election, the 19th and 20th, on both nights.

1948. You are speaking of the 20th when the windows were broken?—Yes: it was after the election.

1949. Had you ever seen a Tipperary election before?—Yes.

1950. It is always very quiet?—Not very quiet; sometimes it is.

1951. When there is no contest?—It is quiet when there is a contest, too.

1952. There is always a row, is not there?—There may be some row.

1953. I mean what an Englishman would call a row?—Yes.

1954. But what you over there call a little amusement?—We do not call a row an amusement at all.

1955. There have been just as bad rows at other elections?—I never saw it so bad.

[The Witness withdrew.

Mr. Florence Macarty, was called in; and, having been sworn, was Examined by Mr. *Ryan,* as follows

Mr. *F. Macarty.*

1956. I believe you were formerly in the constabulary force?—Yes.

1957. You have retired?—I have retired on pension.

1958. Do you remember the polling day, the 20th of October last, of the Tipperary election?—Yes.

1959. Were you in Clogheen on that day?—Yes.

1960. Were you accompanied by any voters?—Yes.

1961. To what polling place were the voters about to proceed?—Clonmel.

1962. Whose voters were they?—Mr. Waldron's I was in charge of.

1963. Were they on cars, or how were they?—On cars.

1964. At about what hour of the day was that?—About seven in Clogheen.

1965. You were driven to Clonmel?—Yes.

1966. There is a railway from Clogheen to Clonmel?—No.

1967. How many voters were with you on the cars?—Sixty or 80; there may be more; there was a large number.

1968. Did anything happen then in Clogheen?—Yes.

1969. What occurred?—In Clogheen I was waiting for Lord Lismore's voters; we remained there for some time; we went quietly, that is, his tenants; everything was quietly; we were waiting for them, and after some time a gentleman, Mr. Fraser——

1970. Is that the attorney?—Yes, a solicitor.

1971. An agent for Captain White?—Yes, I am told so; he came up to one of my cars; he seized one of the voters, laid hands on him in an open car, and took him down; he went from that to a covered car; I see him putting in his hand and seizing on another voter; I felt it my duty to ascertain who tampered with my voters; it was my look out, and I was told it was Mr. Frazer, the solicitor.

Mr.

Mr. Serjeant *Ballantine* objected to the evidence.

1972. About how many people had Mr. Frazer with him at the time?—An agent was running up and down belonging to the opposite party to collect the mob; we had everything quiet till he began to hand the voters; then we were ordered to proceed; then we got into a line to proceed with the constabulary; we were attacked by the mob; my cars were driven some to the right and some to the left; some ran for their lives; some of the voters came off the cars; I went on with the running cars; three or four as far as the bridge, and halted them, and came back again; we got the military escort there, and I collected a good many of the voters as I could, by telling them, if they remained behind, they would be worse off than if they came on; the voters I brought over the bridge; I left them, and they began washing themselves and making themselves up; I got the escort and proceeded on direct into Caher, where the station is, and lost no time too.

1973. You got on as fast as you could?—We thought it too long we were coming.

1974. Did all the voters get with you to Caher?—I cannot say whether they all got or not. If a voter got off the car we could not wait; if necessity required he should get off, we could not wait or halt for him.

1975. I mean in Clogheen, did you lose any of the party?—I cannot say; I collected as much as I could; I might have, but I cannot be positive of whether I did or not.

1976. You had to run for it?—Yes, that we had.

Cross-examined by Mr. Serjeant *Ballantine*.

1977. You were an agent in this election?—Yes.

1978. Have you been employed in getting up this case?—No; I do not understand it, nor I do not know what you mean.

1979. Have you been employed in getting up this case; have you been employed in getting witnesses, or getting evidence; have you been employed in getting up evidence for this Committee?—I got no evidence.

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1980. Have you been employed in getting up evidence for this Committee?—I produced no evidence, and got none.

1981. Have you been employed to collect evidence for this Committee?—If I got witnesses in charge.

1982. Cannot you answer, yes or no?—No.

1983. You swear you have not?—Yes.

1984. You say you had charge of these tenants?—Voters.

1985. Lord Lismore's voters; do you mean to convey to this Committee that one single man amongst them was prevented from voting?—Prevented from voting.

1986. Were they; answer my question, and do not repeat it. Do you mean, upon your oath, to say that one single person of your troop was prevented from voting?—Were it not for the military neither could vote, and the protection we got, we would have been all prevented.

1987. You know that is not my question?—I cannot say who was prevented.

1988. Will you answer my question; do you mean, upon your oath, to state or to imply that a single person was prevented from voting?—They may or may not, from what I know; how can I swear to what I do not know. I do not swear they were not prevented, because I do not know.

1989. You do not say there was a single person prevented from voting?—They might and they might not.

1990. You live there?—Yes, I live some distance.

1991. You have had plenty of opportunities of inquiring?—I did not inquire.

1992. Was any single person who was with you on that day at Clogheen prevented from voting?—There was so many there I do not know the half; I only got them in charge, and I endeavoured to keep them as long as I could; I do not know who they were.

[The Witness withdrew.

ROBERT SARGINT, Esq., was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

1993. You are a Solicitor?—Yes.

1994. You were one of Mr. Waldron's agents at the last election?—Yes.

1995. You had the charge of the barony?—Iffa and Offa West.

1996. Were you present at the petty sessions at Caher, where certain rioters were tried?—

Mr. Serjeant *Ballantine* objected to any proceedings of any kind being proved that took place at the petty sessions.

Mr. *Ryan* was heard in support of the evidence.

The *Chairman* stated that the Committee were of opinion that the course of examination as to convictions at petty sessions could not be proceeded with.

1997. Mr. *Bourke.*] Do you know Mr. Slattery?—Yes.

1998. Was he an agent of Captain White's at the election?—Yes.

1999. Acting for him?—Yes.

2000. Did you see him at the petty sessions at Caher?—I did.

2001. Was he acting for those rioters?—Yes.

R. Sargint, Esq.

2002. Mr. Serjeant *Ballantine.*] Was Mr. Slattery the attorney there?—Yes.

2003. Mr. *Bourke.*] Where does Mr. Slattery live?—He did live at Lismore, 15 miles from Caher.

2004. Does he ordinarily practise at the Caher sessions?—I never saw him there.

2005. He is a Waterford man?—I cannot say whether he is a Waterford man.

Mr. *Ryan* submitted that he was entitled to give evidence now as to what took place at the petty sessions.

Mr. Serjeant *Ballantine* was heard against the application, on the ground that Mr. Slattery was following his professional duties, and not acting as the agent for Captain White.

The *Chairman* stated that the Committee were very explicit in their decision before, and that they would follow that decision.

Mr. *Ryan* stated that he would now go to Cashel.

BENJAMIN M'CRAITH, was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

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2006. Do you live at Killenhall, in the Cashel district?—Yes.

2007. What are you?—A farmer.

2008. Do you attend the chapel at Killenhall?—Yes.

2009. Is your farm and the chapel, and where the priests live, on Mr. Waldron's property?—It is.

2010. Did you attend that chapel on the Sunday before the last election for Tipperary?—I did.

2011. That is the 14th October?—Yes.

2012. Who was the officiating clergyman on that Sunday?—The Rev. Philip Scaulom.

2013. After mass was performed, did he address the congregation?—He did.

2014. From what part of the chapel?—He turned from the altar, and ascended the pulpit, and spoke there.

2015. Was the service quite over at that time?—No.

2016. What did he say, or what did he do; did he hold up anything?—He held up a printed document in his hand, and said it was a resolution of a meeting held at Thurles, on the day before, of the archbishop and the clergy of the diocese.

Mr. *Hackett* objected that this matter was not opened by Mr. Ryan.

The *Chairman* overruled the objection.

2017. Mr. *Macnamara.*] That was a resolution of a meeting held at Thurles?—Yes.

2018. By whom?—By the archbishop and clergy of the diocese, to which there were 63 names attached.

2019. What further did he say?—He said that it was not exactly the place to speak personally, or make any personal remarks, but that they had selected the Honourable Captain White as the person they were anxious to return to Parliament, and that any one not supporting him should be considered or looked upon as "Shoneen" Catholics.

2020. Is that a term of reproach?—It means a sort of Protestant Catholic; a Protestant.

Mr. Serjeant *Ballantine* objected to the last question, and asked to have it erased, on the ground that the priest had acted against the desire of the bishop, and that nothing had been shown to warrant individual observations of the clergy being given in evidence against the Sitting Member.

Mr. *Ryan* was heard in support of the question.

The *Chairman* stated that the Committee were of opinion that the question should remain.

[The Witness withdrew.

JOSEPH TULLEY, was called in; and, having been sworn, was Examined by Mr. *Cunninghame*, as follows:

J. Tulley.

2021. You are a Police Constable?—I am.

2022. You were stationed at Harley Park?—Yes.

2023. Were you in Mullinahone the evening before the last election for the county of Tipperary?—Yes.

2024. Do you remember seeing a covered car arrive in the town?—I do.

2025. You saw Mr. Delany, Mr. Strange, and Mr. Crane, and Mr. O'Donaghue?—Yes.

2026. Was the horse and car decorated in any way?—Yes, the horses had evergreens in their heads, and laurels.

2027. They were drawn through the town?—Yes.

2028. Where did they stay?—They drove in the direction of the clergyman's house.

2029. Did they put up at any particular place in the town?—They drove in that direction, and I saw them a quarter of an hour afterwards. I do not know where they put up.

2030. Do you know a person by the name of M'Grath in the town?—Yes.

2031. Did they stop near his house?—Yes, opposite his house.

2032. Did you see Father Maghar?—I did.

2033. Did he join the crowd?—He did.

2034. Did Father Maghar join these gentlemen?—He did; he was one of them.

2035. Do you remember having heard any of those gentlemen address the people?—I do.

2036. Were there many people assembled?—300 to 400.

2037. Did you hear Mr. Crean address the people?—Yes.

2038. Tell the Committee, as nearly as you can recollect, what he said in addressing the people?—He denounced Mr. Waldron, and he called him a renegade and turncoat.

2039. Did he make any complaints of the Tory landlords?—Yes, he made complaints of the Tory landlords; he said he was a nominee of the Tory landlords that were determined to exterminate the people from the country, and drive them from home to America.

2040. With regard to the approaching election, do you remember what he said?—He called upon every man, woman, and child that was present, to be at their post in the morning, and prevent the return of Mr. Waldron.

2041. Did he address himself, in particular, to the women of the assembly?—Yes, he called upon the women to urge their husbands and children.

2042. With reference to the opposing parties at the election, did he say who they were; the two parties; the political parties between whom the struggle was to take place?—Between the Tories and the Whigs.

2043. Did he make any reference to the clergy?—He told them to follow the advice of their clergy, who were unanimous upon the return of Captain White.

2044. Did the gentleman make any reference to Mr. Pennefather?—Yes; he said he saw Mr. Pennefather coming from the Court-house, and that he understood he was making arrangements to have his poor miserable lot of tenants escorted by peelers and soldiers in the morning to Cashel, to vote for Mr. Waldron.

2045. Now

2045. Now, as to Mr. Delaney; do you remember Mr. Delaney having addressed a meeting?—Yes.

2046. State, as nearly as you can recollect, the substance of what he said at the time; give the language as closely as you can remember?—As nearly as I can recollect, he called upon the people in the name of Charles Kickham, who is suffering in Pentonville for his country, to be at their posts in the morning, and prevent the return of Mr. Waldron.

2047. With reference to the name of Charles Kickham, did he use any word?—Yes; he said if he knew what was going on, he would shed tears in his narrow cell.

2048. Did he simply say "I call upon you in the name of Charles Kickham"?—The sacred name of Charles Kickham.

2049. Do you know who Charles Kickham was?—Yes, I do.

2050. Who was he?—A man who lived in Mullinahone.

2051. What about him; do you know anything about his political tendencies?—Yes; I know he was a Fenian.

2052. Has he suffered for his country at all?—I heard he has; I am not aware of it.

2053. Do you know where he is now?—I hear he is in Pentonville.

2054. Did Mr. Delaney speak of the cars that were at the county election the following day?—No; the next is Mr. Strange.

2055. Now, as to Mr. Strange; did you hear any of the speakers say anything about throwing stones?—I heard one of the speakers, I do not know whether Mr. Delaney or Mr. Strange, say, "I will not tell you to throw stones."

2056. Did he add anything more?—"You all know right well what to do."

2057. With reference to the remark that was made about cars, do you remember who made that remark?—Mr. Strange, I believe.

2058. Whoever made it, do you remember what it was distinctly?—He told the people to cut the traces and prevent the renegade voters, who were compelled against their conscience, to be brought to the poll.

2059. Did the Rev. Mr. Maher address the people?—Yes, he did; Mr. O'Donaghue is the next gentleman; Mr. O'Donaghue addressed the people, and called Mr. Waldron a turncoat and renegade, and told the people to be at their posts the next morning, and put shoulder to shoulder and foot to foot, and prevent the return of Mr. Waldron.

2060. Did any other speaker except Mr. Crean, refer to Mr. Pennefather?—Yes, Mr. Maher did.

2061. Who is the Rev. Mr. Maher?—He is the curate at Mullinahone.

2062. What did he say?—He addressed the people and told them he had very little to say; that the gentlemen who had spoken to them had left him very little to say but this: that he was at the nomination on Wednesday, and he was ashamed to see a gentleman named Mr. Pennefather supporting Mr. Waldron; that he was a Roman Catholic, and a disgrace to his church.

2063. Did he make any reference to anything else?—He said, "You know it is the wish of the clergy and the bishop, who have met and decided upon supporting Mr. White; we are decided on supporting Mr. White, and you know how I expect you to go, as I often told you before (*pointing to the chapel*), from that place above."

2064. Have you stated all you recollect, as having passed?—No; he then made reference to Mr. Pennefather again, and he said Mr. Pennefather, he understood, was to bring his voters bound head and heels, like sheep to the slaughter, to vote for Mr. Waldron against their conscience, and he believed that if Mr. Waldron was in hell he would bring them there in his interest; he said Mr. Pennefather was to bring his voters in the morning tied neck and heels to Cashel, to vote for Mr. Waldron, and he believed if Mr. Waldron was in hell, he would bring them there in his interest.

2065. Did the Rev. Father Maher say anything about the advice given by the previous speakers at the same meeting, with reference to the action to be taken?—Yes, he told them to be at their posts in the morning; he told them every one was expected to be there.

2066. Did he say anything about the advice given by the previous speakers?—Yes, he said they heard the previous speakers, and to follow their advice; he said they left him nothing to say.

2067. These speeches were made in Mullinahone?—Yes.

2068. Are you aware that was the place in which this Charles Kickham, who has been referred to, resided?—Yes, he was reared within 100 yards of the place where the speeches were made.

2069. You could see the effect produced by the addresses?—No, I could not.

2070. Could you judge what the effect of those speeches that were delivered at this meeting on this particular occasion was?—The people shouted and screamed.

2071. Did they seem to be violent?—No, they were not violent, but they screeched and screamed; they had no one to be violent with; the people were screeching furiously, and one of them cried out that they would not allow the voters to go in the morning—that they would eat them before they would let them go; this is a man of the name of Hurley, and I believe he was the leader of that mob that was assembled there at that hour.

2072. Did he make any reference to a person of the name of Billy?—Yes; he said, "We will eat Billy, and we will eat Larry."

2073. Who was Billy?—I believe it to be Mr. Pennefather.

2074. Who was Larry?—I believe it to be Mr. Waldron.

Cross-examined by Mr. Serjeant *Ballantine*.

2075. As far as you know, these people are still alive and have not been eaten?—No, they have not.

2076. What are you?—I am a constable in the police.

2077. To whom did you give your evidence about this?—I have given no evidence; I gave a statement to Mr. Bolton.

2078. Is he a Crown solicitor?—He is.

2079. And conducting the case of the petitioners?—Yes.

2080. Were you taking notes?—No.

2081. What were you there for?—I was there on duty.

2082. To keep the peace?—Yes.

2083. Were there other constables there?—Yes.

2084. Did you take any notes?—No.

2085. All this was memory?—Yes.

2086. Where did you first tell it?—I told it to Mr. Pennefather.

2087. When

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2087. When?—Some time after it took place.

2088. When was it taken down?—I do not know when it was taken down.

2089. When was it taken down in writing?—Mr. Bolton can tell you that.

2090. When did he take it down?—I cannot say.

2091. You have such a wonderful memory; you do yourself injustice; you have a magnificent memory; when was it you gave your evidence, and it was taken down by Mr. Bolton?—On the 6th of February.

2092. Did not I tell you that you had a good memory?—The 6th of last month Mr. Bolton came to Mullinahone; I was there concentrated at the time.

2093. I do not care about your being concentrated at Mullinahone; was it there you gave that statement, and he took it down?—He asked me then, and he took it down.

2094. From your lips?—Yes.

2095. Just tell me, has it been read over to you since?—No.

2096. Just be cautious?—No, it was not read over to me; only a part of it was.

2097. Was it read over to you by the Crown solicitor, Mr. Bolton—a part of it?—Yes.

2098. When was that?—In this city.

2099. I did not ask you where, but when?—On the 28th.

2100. Where; at the Trafalgar Hotel?—Yes.

2101. Did you go to Mr. Bolton there?—Yes.

2102. What for?—To let him know I was in town or in the city.

2103. How came he to read part of it over?—He asked me about it.

2104. How came he to read a part of it over; you recollected all of it quite well?—I do not know what was his reason; he wanted to know something about it.

2105. If he wanted to know something about it he would ask you, but why did he read your evidence to you; that is what I want to know; I am sure Mr. Bolton had a reason?—I do not know what reason he had.

2106. Did not you ask him?—Did I ask him to read it over?

2107. Yes?—No, certainly not; I thought there was no necessity.

2108. He read part of it without your asking?—He asked me.

2109. He read part of it without your asking?—Yes.

2110. What part was it?—I cannot recollect now.

2111. After recollecting word for word, do not do yourself injustice?—I am not doing myself any injustice.

2112. Do you mean that you who have remembered nearly word for word of what took place in October, do you mean to tell me that you do not remember what Mr. Bolton read over to you last Thursday?—I cannot now really recollect.

2113. For my sake, try; never mind whether Mr. Bolton will like it or not?—I do not care whether Mr. Bolton likes it or otherwise.

2114. Have you no notion what part it was?—I have no notion what part it was.

2115. You have no notion at all of what part he read over to you?—No, I have no notion at all of what part he read over to me.

2116. When he had read it over to you, what did he say; did he ask whether it was correct?—I could not tell you.

2117. Did you tell him it was correct?—No.

2118. Did you tell him it was all right, what he read over to you?—I told him it was all right what he read over in Mullinahone, he read something over to me at the Trafalgar Hotel.

2119. Did you tell him it was all right?—Most probably I did.

2120. What was it?—I cannot say, positively I cannot say; you may keep me here till to-morrow morning but I cannot tell you.

2121. You are a policeman, are you not?—Yes, I am.

2122. Do you mean really to say and let it go back to Ireland, that you cannot remember what took place last Thursday; do you mean that to go back to Ireland?—I cannot help it.

2123. Was it about what this Rev. Mr. Maher said; did he read that part you told us about the Rev. Mr. Maher?—I do not know that he read that for me in this city; I gave it to him in Mullinahone.

2124. We have got away from Mullinahone, and I hope we shall not get back there?—He asked me more than that, to send him a statement of what took place, and I sent a statement of it.

2125. When did you send the statement?—I cannot say; it was, I believe, about the 9th I think, I am not sure, I cannot fix the date.

2126. Was it from the statement he read out?—I do not know.

2127. Did he write to you, and did you send him a statement?—He did.

2128. Have you got the letter?—I have not got the letter here.

2129. Is it in existence?—I am not sure, I cannot say.

2130. Do you think it is destroyed?—No, he did not write to me.

2131. Wait, your memory is getting shaky; did he write or not?—No.

2132. What made you swear he did write to you; attend?—He wrote to me on several occasions.

2133. What made you swear to me that he wrote to ask you for a statement?—He told me in Mullinahone, to send him a statement.

2134. But he had taken your statement down?—He had, but the particulars, he had not time to take the whole of the particulars, he took down in a small memorandum book.

2135. And afterwards asked you to send the statement?—I was to send him the remainder of it.

2136. You cannot tell me what part of that statement was read out as late as last Thursday?—I cannot.

2137. Who is Delaney?—I do not know who he is, I never saw him before that day.

2138. Is there such a person?—There is.

2139. Who is the stranger; is he a solicitor?—I do not know.

2140. Should you know him if you saw him?—I should.

Re-examined by Mr. *Ryan*.

2141. The learned Serjeant told you not to mind whether Mr. Bolton was pleased or vexed; has Mr. Bolton any control on the face of the earth over you, or anything to say to you?—No; I care not a farthing about him, no more than any ordinary man; no man has any control over me.

[The Witness withdrew.

Adjourned to To-morrow at 11 o'clock.

Tuesday, 2nd April 1867.

Sir PHILIP GREY EGERTON, IN THE CHAIR.

Mr. FREDERICK SAYARS was called in; and, having been sworn was Examined by Mr. *Ryan*, as follows:

2142. WHERE do you live?—At Fethard, in county Tipperary.

2143. How far is that from Mullinahone?—Eight Irish miles.

2144. Were you in Mullinahone on the evening of the 9th of October, the day before the polling?—I passed through it.

2145. Can you say about what hour of the day?—Somewhere about half-past one or two in the afternoon.

2146. When you got there, did you see any crowd of persons?—On my way from Fethard through Mullinahone, I saw a large crowd when I came to the police barrack.

2147. What did you do when you saw the crowd?—Got off the car.

2148. And where did you go?—Went into the crowd.

2149. Where did you go to?—To the Market Cross, at Mullinahone.

2150. Did you see any constabulary in the neighbourhood?—I passed by the constabulary barrack.

2151. Did you see any constables about?—At the barrack door I saw some.

2152. Do you know Mr. Thomas Fitzgerald Strange, of Waterford?—Yes; a person represented to me as such.

2153. Did you see him there that day?—I heard him acknowledge himself to be Mr. Strange, in my presence, to Mr. Honor, of Clonmel, the day before.

2154. Do you know Mr. Delaney?—Yes.

2155. Did you see him there?—Not that I recollect, Mr. Delaney.

2156. Did you see Mr. Crear?—Yes.

2157. Did you hear any of those persons address the crowd?—Mr. Strange was addressing the crowd at the time I arrived.

2158. Did you hear him?—I heard him.

2159. Tell us what was the purport of Mr. Strange's address?—I did not remain very long.

2160. What did you hear?—What I did hear, his language was very inflammatory, and struck me forcibly; he said, "To cut the harness and leave the renagade voters at home by their fireside, and if you do not do that,"—with a significant gesture—I could draw an inference myself; "and if that does not do——."

2161. And then there was a pause?—Yes.

2162. Did you hear anything said about the cars?—I heard a great many other expressions used, but those words struck me more forcibly than any other; I made a note of them that day.

2163. You did not hear Mr. Delaney?—I heard no one speak but Mr. Strange.

2164. Did you hear any of the orators but Mr. Strange?—No, I did not remain; I was not there more than 10 minutes.

2165. Did you give any directions to any person; you were acting for Mr. Waldron?—Yes.

2166. Did you give any directions to a man of the name of Farrel?—Yes; I did.

2167. Was he an agent to Mr. Waldron?—Yes.

2168. Did you send Farrel anywhere?—I did.

2169. What was that for?—I sent him with a letter addressed to Mr. Pennefather, of Ballylanigan, that night.

2170. Do you remember sending for any cars for the voters of Mr. Waldron?—Yes; that was the purport of the letter; on my arrival home that night there was a telegram before me from a party in Kilkenny, saying he was concerned he could not send the cars.

2171. Did you send for cars to any place?—Yes; I did.

2172. Did those cars come?—No.

2173. Farrell was the person you sent for them?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

2174. You are an agent of Mr. Waldron's?—Yes.

2175. What are you by business?—I am an auctioneer and land agent, and a good many other occupations besides.

2176. How near were you to Mr. Strange?—Well; I should say I was about 30 yards from him.

2177. Was there much of a crowd?—Four hundred or 500 people.

2178. They were quite quiet, so that you were able to hear perfectly well what he said?—There was a lull, and you could hear.

2179. A nice quiet mob?—It was the usual electioneering mob.

2180. But you were perfectly able to hear all this?—Yes.

2181. When did you repeat it?—I repeated it that night to Mr. Hort, and took a note on my way to Callan.

2182. Have you got the note?—It is here. (*The Witness handed his memorandum to the learned Counsel.*)

Re-examined by Mr. *Ryan.*

2183. Mr. Hort is a resident magistrate?—Yes; and he was the resident magistrate in charge of the Fethard district.

2184. Did you see him afterwards, on the next day, the 20th, with troops?—I made it my business to see him, and give that note to him.

2185. The next day did you see him with troops in Fethard?—Yes.

[The Witness withdrew.

ROBERT FARRALL was called in; and, having been sworn, was examined by Mr. *Macnamara*, as follows:

R. Farrall.
2 April 1867.

2186. You are a Car Driver?—Yes.

2187. Where were you living in October last?—In Fethard.

2188. Do you remember on the night of the 19th of October last, the day before the polling day?—Yes, I do.

2189. You were sent by the last witness, Mr. Sayars, for some cars?—Yes.

2190. Were you to go to Mr. Pennefather?—Yes; to Ballylanigan.

2191. In your way, did you arrive at a place called Cloneen; is it not Cloneen?—Yes.

2192. About what time was it?—About half-past three in the morning.

2193. It was night time?—Yes; night time, and very dark.

2194. When you got there, state what happened?—I reached there about half-past three in the morning; there was a multitude of men on the road before me, and they axed me where I was going. I told them I was going to Mullinahone. "No," said some of the parties, "you are going to Ballylanigan; you will not be let go your journey; there is nothing will occur with you, but you will not be let go your journey, you must turn back and go home."

2195. You remember the day of the poll, Saturday?—Yes.

2196. Was it three o'clock on the morning of that day?—Yes.

2197. At Ballylanigan; is that where Mr. Pennefather lives?—Yes; that was where I was going.

2198. Would the multitude of persons allow you to pass?—No, they would not.

2199. Did they turn you back?—Yes; there was a large tree on the road before me; there was a large tree tumbled down right across the road.

2200. Were you driving a car at the time?—Yes.

2201. You were then obliged to turn back?—Turn back.

[The Witness withdrew.

WILLIAM PENNEFATHER, Esq., was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

W. Pennefather, Esq.

2202. You are a Magistrate for the County Tipperary?—Yes, I am.

2203. I think the name of your place is Ballylanigan?—Yes.

2204-5. Perhaps you will point out on that map where that place is?—I can point out the village of Mullinahone; but the printing is so small, I cannot see where my house is; mine is a new house.

2206. It is on the Kilkenny side of Mullinahone?—Yes.

2207. Mullinahone is your parish?—Yes, it is called Kilvemnon in the Established Church.

2208. Is the Roman Catholic Chapel in Mullinahone, your place of worship?—I generally go to Killenaule.

2209. You sometimes go to Mullinahone?—Yes.

2210. On the Sunday before the election, did you attend mass at the chapel of Mullinahone?—I did.

2211. Is the Rev. Mr. Mahar one of the curates of that parish?—Yes, he is the only Roman Catholic curate; he and the parish priest are the only Roman Catholic clergymen there.

2212. Did he officiate on that day?—He did.

2213. On that Sunday, did the Rev. Mr. Mahar address the people with regard to the election?—Yes.

2214. From what part of the chapel did he address them?—He addressed them from the altar platform, to the best of my belief.

2215. Was that at the conclusion of the service?—I do not think it was; I think it was after the communion at the mass, I think; I am not exactly certain; it was towards the end, certainly, of the service.

2216. Before the congregation left the church?—Yes.

2217. What did Mr. Mahar say?—As far as I can recollect, he said that Mr. Waldron was coming forward under the auspices of the Conservative landlords, and that he had only been elected by mere chance as Member for the county; that he had not a majority of the electors on any occasion, and he told the people that if the landlords asked them to vote for him, to stay at home and not to vote at all.

2218. Did Mr. Mahar have his robes on, when he delivered this address?—I think he had; at all events so far as this; that he had the soutane on.

2219. Did he ask the voters to meet him anywhere after mass?—Yes, he told the voters to meet him after mass; I think he said in the sacristy, and as I was walking home, I heard the bell ring for the meeting.

2220. For that meeting?—Yes, for that meeting.

2221. It is usual to ring the bell, when a meeting takes place in the Sacristy?—Yes, it is usual; they ring for the meeting of the chapel committee, and other matters of that kind.

2222. You did not go to that meeting?—I did not; I was thinking of going, but I was dissuaded by a person I met outside.

2223. You know a good number of Roman Catholic gentlemen and clergy?—I do, some.

2224. Are a good many of the Roman Catholic clergy supporters of Mr. Waldron?—I think so; I did not see them absolutely vote for Mr. Waldron, but I was told they supported him.

2225. Are most of your own tenants Roman Catholics?—They are all with the exception of one; that one tenant holds by a fee-farm grant, an attendant of the Established Church.

2226. On the following day did you propose Mr. Waldron?—Not on the following day; it was the Wednesday, the day of nomination.

2227. You proposed Mr. Waldron?—Yes.

2228. How were your voters to go to the poll?—They were to go on cars to the poll.

2229. Did you get cars in the neighbourhood?—No, we could get no cars in the neighbourhood.

2230. Why?

2230. Why ?—They had all been taken up by Mr. White's supporters or agents.

2231. You did get cars afterwards?—Yes, in the County Kilkenny, and also some from Clonmel.

2232. On the night before the polling day, did a great number of electors assemble at your house?—Yes, on the night of polling; I went to bed; I did not look after the voters who were coming to my house for the night.

2233. In the morning, do you recollect how many voters were at your house?—I cannot tell; I did not count them, but there was a considerable number.

2234. Were there 50?—Yes, more than 50.

2235. Were there 100?—We had first a good deal there when all assembled, because other landlords sent in their voters to join mine; Lord Ormond, and others.

2236. How many of your tenants were there?—There were not many of my own tenants, for many of them had not votes; other landlords sent in their tenants, and they formed a large body.

2237. How far is Cashel from your place?—Sixteen Irish miles, I think.

2238. Does the road go through Mullinahone, through your place and Cashel?—Yes, one of the roads.

2239. Mullinahone is about two miles from your place?—There are two avenues leading in that direction; there is a short avenue which would bring you within a mile of Mullinahone, and the other one a mile and a-half or two English miles.

2240. What time did you start?—About 8 o'clock in the morning.

2241. How did you go yourself?—I went in my own carriage.

2242. Did anybody go with you?—Mr. Lock, sub-inspector.

2243. Was he on duty at this time?—Yes.

2244. Somebody else?—A Mr. Ryan of Springmount, and Mr. Handrahan.

2245. Is Mr. Ryan a Roman Catholic gentleman?—Yes, a gentleman farmer.

2246. Were the other voters on cars or walking?—They were all on cars.

2247. Were there any troops with you?—There were.

2248. What troops were with you?—About 16 of carbiniers.

2249. Did they come to your house in the morning?—They came to my house in the morning, but I will explain the reason why they came; I was not to have gone with them originally; I was only to have gone with an escort of 12 police.

2250. By the *Committee.*] The troops were there?—Yes.

2251. Mr. *Bourke.*] How many constables were with you?—Twelve constables.

2252. Did the constables walk?—No, they were on vans, two two-horse vans.

2253. How did they go, in front, or by the side, or behind?—Mr. Hannah, the resident magistrate, put a van of police immediately before my carriage, and another behind.

2254. Were you in front of the cavalcade?—No, Mr. Hannah, the resident magistrate.

2255. Was he driving?—He was in his gig, with his servant by his side.

2256. Was the servant driving?—I do not think the servant was driving.

2257. He was on duty?—Yes, I suppose he was.

2258. He went first, did you come second?—The van of police came second, then I third, and the van of police after me.

2259. Then the voters?—Then the voters.

2260. And then any police at the end?—No, there were no police at the end of the cavalcade; the cavalry were riding along the side at either side.

2261. When you got to Mullinahone, did you find a mob there?—Yes, I did.

2262. What was the conduct of that mob?—They were very violent, disorderly, and tumultuous.

2263. What did they do?—I heard them shouting in a most threatening manner.

2264. What were they threatening?—I could not hear the words, it seemed to be some sort of offensive mode of screaming against us.

2265. Just describe what happened?—I drove up with the cavalcade on my right, and there was a small window at the right hand side of the little street, just when we reached the square, and I saw a stone sent down from it in the direction of my carriage, and the hood was partly raised of my carriage; when I saw the stone, I leaned back in order to save myself.

2266. Did they do anything to the carriage?—The cavalcade was completely stopped. I saw the police-van in my front turned nearly across the road, but how it was done I cannot say; I should suppose by the violence of the mob.

2267. Did you see the mob do anything to the carriages or cars?—There was a great deal of confusion, and my coachman made his way through at a gallop.

2268. Mr. Hannah's gig, what became of it?—Mr. Hannah went on and cut his way through after his servant was cut on the head with a stone, and much injured.

2269. Mr. Serjeant *Ballantine.*] Did you see it?—I did not see it.

2270. Mr. *Bourke.*] Did you see the servant after it happened?—Yes.

2271. Did you see any mark on his face?—Yes, I saw his head apparently much injured.

2272. How soon after was it that you saw him?—When we reached the next street. When we got up into the street, it was a little winding street, my coachman whipped the horses into a gallop, and cut his way through, and got into the next street with a few cars afterwards, and we were separated from the rest of the cavalcade; it was a winding street, and we could not see what occurred behind us. We stopped in this street some time, and the resident magistrate, Mr. Hannah, got down at the corner and ordered Mr. Lock out of my carriage, to bring back the police of the town to rescue I should think some of the voters.

2273. He went back in the direction where you had left the voters?—Yes.

2274. Did you see a soldier?—I saw a soldier down, he had fallen from his horse; his horse was partly on him; one of the carbiniers.

2275. Mr. Lock and Mr. Hannah returned in the direction where you left the voters; did they afterwards come back to you?—They did.

2276. How soon after?—I think we were there more than half-an-hour.

2277. Did they bring back all the voters?—I could not say that of my own knowledge.

2278. Did they bring back all the cars?—I I cannot speak to that.

2279. You do not know from the number you saw there afterwards; then you proceeded on towards Cashel?—Yes.

2280. Further

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W. Pennefather, Esq.

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2280. Further directions were given to the dragoons at that time?—The dragoons; there were no directions given to the dragoons until we reached the police barracks.

2281. What happened then?—We sent back for an escort; we sent to Cashel for an escort of additional cavalry to bring us in.

2282. Is that on the direct road at Cashel from Mullinahone?—No, I do not think it is; we were trying to avoid the direct road.

2283. You avoided the direct road?—We avoided the direct road.

2284. When you got near Cashel, did any military meet you?—Yes, I heard 60 lancers met us, and I heard their number was 60, a considerable body there.

2285. You saw a considerable body of lancers?—Yes.

2286. How far from the town was that?—They met us a mile from the town of Cashel.

2287. Did they form on each side of the cavalcade?—They formed on each side of the cavalcade.

2288. And nothing happened till you came to the suburbs of the town of Cashel?—Yes, a place called the Gouts.

2289. Describe what happened when you got to the suburbs of the town of Cashel?—We saw a mob at the side of the road, and they were throwing stones, and were very violent.

2290. Were they on the ditches or on the road?—They were on the side of the road, on rather an elevated position.

2291. By the *Committee.*] What was the street or the road?—It is the suburbs of Cashel, partly street and partly road.

2292. Mr. *Bourke.*] Were there houses on each side?—No; first you met with a pond of water called the Gouts, then there was a mob that side, and the mob was scattered both sides of the road as we drove a short distance down, and we met a body of military; there was a considerable stone-throwing there.

2293. Was the road on a level with the land near it?—There was a rise on the left hand side of the road, near the pond, as far as I can recollect the position, and then when we drove a little on there was a rise on both sides of the road.

2294. Were there any houses near?—There were a few houses scattered along.

2295. It was not a street?—It was partly street and partly road.

2296. What did you do when you saw the mob?—I got very much alarmed, and I pulled up the head of my carriage, being a pilentum carriage, I pulled up the head of the carriage to cover my head completely, and I got one of the largest cushions in the carriage and held it before my face.

2297. Was your carriage driven fast from that point?—No, we were going rather slow.

2298. Then you eventually got to Mr. Waldron's tally room?—Yes, there were stones thrown at my carriage, and also the cushion I held before me was hit with cabbage stalks.

2299. Did you hear the stones?—Yes, rattling on the roof.

2300. Did you see the marks?—I saw them afterwards, but it is a leather roof.

2301. Do you know a man named John Walsh?—Yes.

2302. Is he one of your voters?—Yes.

2303. Did anything happen to him?—Yes, his lower lip was split from the blow of a stone, from the lower lip to the chin.

2304. He voted for Mr. Waldron?—Yes.

2305. What became of him then?—I brought him off to the County Infirmary.

2306. Did you see anybody else who was injured?—A man was pointed out to me also as being injured; he had been with Walsh; he was not one of my tenants.

2307. What happened to him?—He was left in the County Infirmary too. I think his eye was injured; I do not exactly recollect now.

2308. You had an outside car in the cavalcade?—Yes.

2309. Was it injured?—It was from stones.

2310. Did you remain in Cashel that evening?—Yes, I did.

2311. Why did you remain in Cashel?—I was afraid to return.

2312. Did you return the next day?—I returned the next day. I stole off by all the by-roads I could find the next day.

2313. Did you meet anything particular along the road?—No; on nearing my place I did. I saw the remainder of a wall, the bottom part of a wall.

2314. What was that?—Across the road.

2315. Was it near your own house?—It was about a mile from my own house, an Irish mile between Mullinahone and my house.

[The Witness withdrew.

Mr. Roger McLoughlin was called in; and, having been sworn, was Examined by Mr. *Cunninghame*, as follows:

Mr. *R. McLoughlin.*

2316. You are a Sub-inspector of Constabulary?—Yes.

2317. Were you stationed at Carrick-on-Suir during the last election?—Yes, I was.

2318. Do you remember some days before the election the Honourable Captain White coming into Carrick-on-Suir?—Yes, I do.

2319. I believe he was accompanied by several gentlemen?—Yes.

2320. And he and they addressed the mob?—Yes.

2321. From the hotel windows?—Yes.

2322. Was the mob considerable?—Yes; I think it right to add there were a great many respectable people in the street at the same time whom I would not class as part of the mob.

2323. They were not part of the mob?—No.

2324. Did the crowd proceed to do anything?—Yes, they were shouting.

2325. Did they do anything else?—There was an effigy carried in the street which they stated represented Mr. Waldron; not an effigy, there were banners, I made a mistake.

2326. Was there any inscription on the banners?—No, I do not know.

2327. Besides banners did the crowd do anything else?—They were shouting "Down with Waldron," and such expressions as those.

2328. Were there any illuminations or anything of that sort?—Yes, there was a bonfire in the street.

2329. What part of the street was the bonfire?—Opposite the hotel in the street.

2330. Mr.

Mr. *R. McLoughlin.*

2 April 1867.

2330. Mr. Serjeant *Ballantine.*] What day was this?—The 17th.

2331. Mr. *Cunninghame.*] Do you remember the night of the 19th of October?—Yes.

2332. About 9 o'clock on that night some persons applied to you about an escort?—Yes.

2333. Who were they?—Mr. John Handeran, Nine-mile House, and the resident magistrate of Carrick-on-Suir.

2334. Any one else besides Mr. Handeran?—Mr. Walsh, solicitor, of Carrick-on-Suir.

2335. Any one else?—I do not recollect any one else; there may be some others with them; they are the principal parties.

2336. For what purpose did they apply to you?—To protect cars to convey voters to Cashel.

2337. To protect cars empty or full?—Empty, with one or two exceptions.

2338. Going where?—To Nine-mile House and Mullinahone, on the way to Cashel, that is what I understood.

2339. How many cars?—There were about a dozen cars.

2340. What escort did you then order?—An escort of the head constable and eight men at that time.

2341. From information that you received, was that escort subsequently increased?—Yes, it was.

2342. State the steps that were taken towards the increasing of that escort?—The resident magistrate, Mr. Hannah, was communicated with.

2343. By whom?—By me, Handeran, and the solicitor; what he did was to increase the police escort, and directed myself to accompany it with 20 Dragoons and an officer.

2344. The number of constables was increased?—Yes, to 14.

2345. Then you proceeded on your way?—Yes.

2346. Do you remember when you came to a place called South Lodge?—Yes, I do.

2347. What o'clock was it when you reached there?—About one.

2348. One o'clock at night, a. m.?—Yes.

2349. I believe there was a wood about that place?—Yes, there is.

2350. And the road runs to the west side of that wood?—Yes.

2351. When you reached that wood, describe to the Committee what occurred?—I heard a good deal of shouting and yelling from the people in the wood; the cars were stopped; I was sitting on the hind car.

2352. The cars were stopped by whom?—I could not swear by whom, because I was on the hind rear car, one o'clock in the morning of the day of the polling.

2353. Where did the shouts proceed from; did they proceed from the wood, or did some proceed from part of the road the way the cars were going?—My belief is from the wood.

2354. Then, the cars having stopped, what did the Dragoons do?—They trotted on to the front, and after about five minutes the cars were allowed to proceed again.

2355. And what did the people assembled there do, the crowd?—I cannot swear to that, I was sitting on the rear car.

2356. Did you see them there?—I only saw two.

2357. You proceeded along that way, and you did not see any persons except two?—No, I was on the rear car.

2358. Was it a light night?—Pretty light.

2359. Which of the cars were you sitting on?—On the rear car.

2360. Was the night such as to enable you to see people in front?—Not altogether in front; the people I saw were in the centre of the road, in the centre of the line of cars.

2361. From the shouts that you heard should you be able to form an opinion as to the number of people who were there?—I believe there were a good many; I cannot say what number.

2362. Could you name an approximate number?—From the shouting I heard I would say 30; there was a good deal of shouting.

2363. You have a knowlege of that part of the country?—A pretty good knowledge.

2364. By the *Committee.*] Can you tell me whereabouts this wood is; I do not quite understand?—It is a distance of five miles from Carrick-on-Suir.

2365. How far is Carrick-on-Suir from Mullinahone?—About 10 miles; I may not be accurate.

[The Witness withdrew.

Mr. Pierce Welsh was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

Mr. *P. Welsh.*

2366. Were you on the cars this night with M'Loughlin, the last witness?—Yes.

2367. Do you remember coming to South Lodge?—I do.

2368. Do you remember what happened when you came to South Lodge?—We came up to South Lodge; there was a man caught hold of the horse, and turned him into the dyke. I had a stick in my hand, and struck him, and told him to let go.

2369. About the time this man caught hold of the horse, did you hear any shouting from the wood, or about there?—When we came up first, there was little shouting.

2370. Did you hear shouting from the wood?—I did.

2371. When you heard the shouting from the wood, was it about the same time, or a little after, that the horse was caught by the man?—Immediately after.

2372. About how many people did you see there at the time?—I do not know how many people.

2373. About how many people did you see there?—I could not tell you.

2374. Did you see any people?—I could not tell you how many.

2375. Did you see any people there?—I did.

2376. Did you see more than the man who caught hold of the horse?—The place was so dark; I could see them, but I could not say how many were near.

2377. When the man caught hold of your horse, what did you do?—I turned over, and told him to let go the horse, and I struck him on the hand, and we pulled off, and went away.

Mr. *P. Welsh.*

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2378. Were you with Mr. Pennefather going on the next day to Cashel?—Yes.

2379. Did anything happen to you at Mullinahone?—Yes; I got a strike on the lip, but I could not say from what.

2380. Did it cut you?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

2381. Did you vote?—Yes.

2382. For Waldron?—Yes.

2383. Is that your way of thinking?—My landlord asked me. The agent asked me to go, and I went with him; he asked me to vote for Waldron, and I went with him.

2384. Was that the only reason why you went?—It was, exactly.

[The Witness withdrew.

Mr. William Shasby was called in; and, having been sworn, was Examined by Mr. *Macnamara,* as follows:

Mr. *W. Shasby.*

2385. Are you a Carman?—Yes.

2386. In October last, were you in the employment of Mr. Jones, who lived in the town of Clonmel?—Yes.

2387. Do you remember the night before the last election for Tipperary, being sent with some cars?—Yes, I do.

2388. Where were you told to go to?—To Nine-mile House.

2389. Was that Mr. Handeran's?—Yes.

2390. Were those for Mr. Waldron's voters?—I suppose so.

2391. How many cars did you go with?—Three.

2392. On your way, did you arrive at South Lodge?—I did.

2393. I believe that is about two miles and a half from Nine-mile House, to where you were going?—Yes.

2394. About what time did you get to South Lodge?—About nine, or half-past nine.

2395. At night?—Yes.

2396. When you got there, state what happened?—The horse was brought inside the gate.

2397. Did you meet any persons at South Lodge?—Yes.

2398. Did you meet many persons at South Lodge?—I did.

2399. Many?—A good many.

2400. Where were they at South Lodge?—On the road.

2401. What did you see them do first?—They brought the horse and cart inside the gate.

2402. Whose horse did they catch hold of first?—The horse I was driving.

2403. Yours?—Yes.

2404. How many caught hold of your horse?—Only one or two.

2405. Having caught hold of it, what did they do with it?—Brought it inside the gate.

2406. Inside the gate of South Lodge?—Yes.

2407. What did they do with your car?—Took a wheel off each.

2408. You say they took a wheel off each car?—Yes.

2409. Did they do anything with the other horses besides your own?—No, they did nothing, except tying them up; they tied them to a tree.

2410. Did they do anything to the other car besides your car?—I do not know; we were inside.

2411. Did they take the other cars anywhere?—They kept us inside.

2412. They took your cars inside the gate?—They took the three cars inside the gates.

2413. By the *Committee.*] And took the wheels off?—And took the wheels off.

2414. Mr. *Macnamara.*] They tied the horses to a tree, and took the cars inside the gate, and took a wheel off each car?—Yes.

2415. What did they do with you?—Told me to go into the house, and stop there; and I did so until morning.

2416. Did you go into the house?—Yes.

2417. When you got into the house, what was done?—I sat down by the fire, and remained there until morning.

2418. What did the other drivers do?—I know nothing about them. I know nothing about where they went to; I believe they were sitting in the cars.

2419. Sitting in the cars inside the gate of the South Lodge?—Yes, inside the gate.

2420. In the morning when you went away, did you go away with your car and your horse, or without it?—I took my horse. I had to leave the car there.

2421. And were the other cars left there?—They were.

2422. Did anything happen to any of those horses?—No; nothing.

[The Witness withdrew.

Mr. Patrick Foley was called in; and, having been sworn, was Examined by Mr. *Ryan,* as follows:

Mr. *P. Foley.*

2423. Where do you live?—In the town of Killenaule.

2424. Do you remember the last election?—I do.

2425. Do you remember about five o'clock in the morning being sent somewhere with some cars?—I do.

2426. Where were you going with the cars?—To Kilcolly.

2427. To Mr. Barker's place to take some voters in for Mr. Waldron?—Yes, I went there for that purpose.

2428. What cars had you with you?—Two double-horse cars and two single cars.

2429. And there was nobody with the cars at that time but the drivers?—Nobody but the drivers.

2430. Do you remember coming into Ballinasloe?—Yes.

2431. When you came to Barsley, did you find anything before you?—Yes.

2432. Just tell us what?—I found a large number of people there; a large mob.

2433. Was there anything across the road?—A large

A large stick across, from one side of the bridge to the other, so that they stopped up the road altogether, and prevented us going any further; a bog stick 20 or 25 feet long.

2434. Did you see any gentlemen in particular about that time?—Before I came to the bridge, I met one of the curates of the parish.

2435. What direction was he coming from?—He was coming from the direction of Gortonhoe, or Kilcolly.

2436. Had he any people following him, or near him?—Where he passed up, there was a Dr. Green.

2437. Were there any crowd with him?—The crowd were all with him in the hollow; this is five o'clock in the morning, the 20th October.

2438. What were those people that were there doing; did you hear them shouting?—They were shouting for White, and down with Waldron, and that sort of thing.

2439. When you came up to where this barricade was across the road, as you have described, did the people do anything with you?—They did not do anything for me, because I was sitting on the hind car; they caught the foremost horses, and put them into the dyke, and cut the reins, and some howled out to rip open the horses.

2440. Did you see any other part of the harness cut?—No, I did not; they were a distance behind me for some time.

2441. Did you see about that time any of Mr. White's supporters come up?—I did.

2442. When they came to the barricade, what was done?—The barricade was taken down, and they were allowed to pass, and then shut up again.

2443. How long were you kept there?—About three hours.

2444. Could you pass then?—No, I could not by any possible means.

2445. About how long were you there?—About three hours.

Mr. P. Foley. 2 April 1867.

2446. At the end of the three hours would it have been possible to reach Kilcolly, and have gone to Cashel in time to vote?—I think I could have done so, but I was not able to come myself; one of the men heaved out the car. I said I would not go for the voters at all; I should not get in time for the poll. I got away with one horse, and as soon as I got away I told the driver to drive the horse as fast as he could, and he drove him in a gallop for two miles.

2447. Did you get the car away as well?—Yes, the horse and car; the mob followed me, shouting and roaring, but they were not able to catch me.

2448. You only got through the barricade on the representation that it was too late to get to Cashel?—Yes.

2449. Do you know a place called Fiery Carmen?—Yes.

2450. When you got to Fiery Carmen, what did you see?—I met about 14 or 15 cars with voters, going for Mr. Waldron; they asked me what kept me with the cars, and I told them what the consequence was, and they wanted me to go round by the Commons, and I said I could not go that way at all.

2451. Could you have got that way?—I could; but it would have been late when I reached Cashel.

2452. Do you know where Colbrook is?—Yes.

2453. Did you go round that way?—Yes, I was obliged to go that way. I told the voters to go down and keep themselves quiet till I returned with the military, and that I could get them off quietly.

2454. Did you go for the military?—I did.

[The Witness withdrew.

MICHAEL MCMAHON was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

2455. YOU are a Police Constable?—Yes.

2456. Stationed at Fethard?—Yes.

2457. On the morning of the last election for Tipperary, did you go with nine other policemen to Cloneen?—I did.

2458. Was it to accompany three cars for the purpose of taking voters?—Yes.

2459. Do you remember coming to Pat Doherty's house?—Yes.

2460. Did he and three others get into the cars?—They did.

2461. Did you return with them as far as Cloneen?—I did.

2462. When you got there state what happened?—There was a crowd of people came before us, before the horses' heads, shouting and brandishing sticks, and we requested them to desist, and when they did not do so, we got off the cars; we fixed our swords, and, after some time, we got them back from the horses' heads. The cars then moved on. We remained in rear of the cars. The cars went in the direction of Shea's Mill, for the purpose of taking up other voters. In the meantime the mob increased, and got over the wheels at both sides; some of them stood before the horses again, and caught the horses by the heads, and some of the traces and reins were cut. Somebody said, Give them the stones; and others said not. I saw one stone thrown, which hit a car.

Michael McMahon.

2463. And what became of the voters you were conveying during this time?—We were so much taken up and engaged trying to keep back the mob that they got away, and I cannot say how.

2464. They got out of the cars?—They disappeared off the cars. I did not see them getting off or taken off.

2465. They disappeared; you did not see them?—I did not see them.

2466. I believe you went to Fethard to report the matter?—Yes, I took a man with me on one of the cars, to report the matter to Mr. Hort in Fethard.

2467. Did he give you the assistance of some of the military?—Mr. Hort, with some of the lancers and police left Fethard for Cloneen.

2468. Did you follow with the police?—At the latter part of the day I went to meet Mr. Hort and the party.

2469. About what time did you go?—It was nine o'clock in the morning when I got back to Fethard to report the matter.

2470. About what time did you leave again?—I cannot bring it to memory.

2471. On your way towards Cloneen from Fethard

Michael McMahon.

2 April 1867.

Fethard at that time of day, did you find anything in the road?—Yes, there was a stone wall built across the road, a little way outside the town of Fethard.

2472. Towards Cloneen?—Yes, on the Cloneen road.

2473. Was it built quite across?— Quite across.

2474. Were there any persons there?—There were.

2475. Many or not?—Not a great many at that time; there were men, women, and children.

2476. Did you go on?—Yes, we proceeded on further, to meet Mr. Hort and his party.

2477. Did you find anything else in the road as you proceeded further?—Not that time.

2478. When; how long after?—We went out some distance further, and waited till Mr. Hort and his party came on; we returned with him, and when I came to this wall some of the police made a passage; they moved some of the stones to make a passage for the cars, and in passing on to the town we met a number of these walls; some were made of stones, and some of timber, old cars, and things of that kind.

2479. Were there many persons about at these different barricades?—There were.

Cross-Examined by Mr. Serjeant *Ballantine.*

2480. I believe the women were rather active, were they not?—They were.

2481. They were the principal in this?—I will not say that.

2482. They were very active?—They did take an active part.

2483. They are more difficult to deal with than the men?—No, I will not say that.

Re-examined by Mr. *Ryan.*

2484. Would a wall put up by a woman stop a car as effectually as one put up by a man?—I should think so.

2485. By the *Committee.*] How long were you going that half mile; how long did it take you to go from Fethard to Cloneen?—It is three Irish miles.

2486. About what length of the road were the barricades on?—I think about 300 yards; something more or less.

2487. How long did it take you to get along that part of the road?—I cannot say that, for I did not know the time, and I cannot be certain.

[The Witness withdrew.

PAT DAHORTY was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

P. Dahorty.

2488. WHERE do you live?—At Capper.

2489. Do you remember the night before the election?—Yes.

2490. Do you remember two cars that came to take the voters into Cashel?—I do.

2491. Do you remember anything being done?—One was taken out of the yard, and the wheel taken off it.

2492. Where was the wheel found afterwards?—It was in the river.

2493. When was it found in the river?—In a fortnight's time.

2494. Do you remember the morning of the election, the 20th?—Yes, I do.

2495. You were going to vote for Mr. Waldron?—Yes.

2496. Do you remember men of the name of James Kane, Patrick Kane, and Edward Kane?—Yes.

2497. Were they at your gate that morning?—Yes.

2498. About what time of the morning were they at your gate with you?—They were not very early at all.

2499. But what time in the morning was it?—About 9 or 10 o'clock.

2500. You got in the car to go to Cashel, with some of these men?—Yes.

2501. Were you all on the car together?—We were not all on the one car.

2502. Some on one car and others on other cars?—Yes; there were three cars.

2503. Do you remember getting beyond Cloneen?—Yes, up to the village.

2504. Did you see any people there?—I did; I did not see them until we came up to them.

2505. When you came up to them and saw them, how many did you see there?—I could not say that; there was a great many.

2506. What were they doing?— They were standing.

2507. What else were they doing?— They shouted and struck on the path.

2508. What did you do; were the cars stopped?— They were, and they went on the road again; they were stopped on the road below again.

2509. Did you see anything across the road at that time?—I did not see anything across.

2510. What did you do?—I came down from the car.

2511. Where did you go to?—I came, and I got a push from a man, and I pitched into the three and got over the wall.

2512. Into a field?—Yes.

2513. Where did you go to?—I went to my own house.

2514. Did you get into Cashel at all that day?—No.

2515. And you did not vote?—No.

2516. Are you a voter?—I think I ought to have, or sure I would not go to Cashel.

2517. Later in the day you got into Fethard?—Yes.

2518. Did the lancers come before you got into Fethard?—Yes.

2519. When the lancers came you got as far as Fethard?—Yes.

2520. How far is Fethard from Cashel?—I do not know.

2521. It was light when you got into Fethard?—Yes.

2522. You did not go on into Cashel?—No.

Cross-examined by Mr. Serjeant *Ballantine.*

2523. Are you a voter, or are you not?—I know I am.

2524. Have you ever voted?—I never voted before.

2525. How long have you had a vote?—I do not know.

2526. How

2256. How do you know you have got a vote? —This is the poor rate receipt. (*The Witness handed a poor rate receipt to the learned Counsel.*)

2527. Is that the only means you know of having a vote; did you know who you were going to vote for?—Yes.

2528. Who?—Mr. Waldron.

2529. How came you to choose him; did you know who the other candidate was?—Mr. White.

2530. Why were you going to vote for Waldron?—It ran with myself, and I knew he was a good man, and I did not know the other at all.

2531. Who told you he was a good man?—I used to hear it from everyone.

2532. That was the reason you were going to vote for him?—Yes.

2533. Who gave you this?—I got it when I paid the poor rates. *P. Dahorty.* 2 April 1867.

2534. You do not know the number upon the register that you are?—No.

2535. You know nothing at all about having a vote, except that you have got this bit of paper? —No; because I paid the poor's rate, I was told.

Re-examined by Mr. *Ryan.*

2536. What is your poor rate generally every year?—£. 28.

2537. And 20 *l.* gives the franchise?—(*No Answer.*)

[The Witness withdrew.

JAMES KANE was called in; and, having been sworn, was Examined by Mr. *Macnamara,* as follows:

2538. ARE you a voter for the county Tipperary?—Yes. *J. Kane.*

2539. On the morning of the last election for Tipperary, did you get on a car with Patrick Kane and Edward Kane, to go to Cashel?—Yes.

2540. For whom were you going to vote?—For Mr. Waldron.

2541. When you got on the road at Cloneen, what happened to you?—There was a mob met us, and prevented us and forced us back perches down the village; the mob was too strong; I held my hold on the car.

2542. What did the crowd do to you?—When I would not come off the car, they dragged me off the car, and said I should go home.

2543. What did you do?—I came on the path and said I would go home, and I got a little vacancy then, and I went over the stone wall with the intention, if I could get a car, I would go into Fethard; and they noticed me, and pulled me over the wall, and made me a prisoner, and took me to the village of Cloneen.

2544. Did they take you into any house?—Yes, they made a prisoner of me in a house, and said I should go there; I was only waiting for the army to come up to take me into Cloneen.

2545. When the army came, they did come to you?—Yes.

2546. Did you get on to the car again?—Yes, I did.

2547. Was there time for you to go to Cashel to vote, or was it too late?—Not at that time.

2548. What did you do then?—Then we went off to Fethard; and there were three batteries on the road before us, and they lost a great deal of time trying to find their way into Fethard, and Mr. Hort told us it was too late; it was no use trying to go to Cashel; that the polling would be closed.

2549. Is Mr. Hort the stipendiary magistrate? —Yes.

2550. Did you get into Cashel that day, or did you vote?—No, I stopped in till then?—I think I got home at eight or nine o'clock.

[The Witness withdrew.

JOHN ROCHE was called in; and, having been sworn, was Examined by Mr. *Cunninghame,* as follows:

2551. YOU are a Constable of Police?—Yes. *J. Roche.*

2552. Stationed at Cloneen?—Yes.

2553. I believe you were stationed at a place named Leaf?—No, Fethard.

2554. On the morning of the election you proceeded with nine men to Cloneen?—Yes.

2555. For the purpose of protecting the voters? —Yes.

2556. Do you remember when you reached Pat Doherty at Castlemore?—Yes.

2557. Did anything at that part of the road attract your attention?—There did.

2558. What was it?—A large tree that was cut down at the edge of the road, and extended across the road.

2559. I believe you took up some voters at Doherty's?—Yes.

2560. You took them under your protection? —Yes.

2661. And you proceeded to Cloneen?—Yes.

2662. When you reached Cloneen, what happened?—I was met by a party of about 100 persons, and they were forcing their ways to the cars to take off the voters. When I saw their intention, I ordered the police off the cars to fix swords, and we repelled them; and a few minutes after the crowd increased to about 300, and they surrounded the cars, and took off the voters.

2563. Did you resort to extreme measures against the people who attacked you?—Yes; I turned them back with the point of the sword.

2564. Did you touch them with the point of the sword?—I cannot say that.

2565. Do you remember a man by the name of James Kane?—Yes.

2566. Did the mob attack him?—When I turned round, I saw a crowd of persons round James Kane; about a dozen to 20 persons.

2567. Did they take him away by force?— Yes.

2568. At this point, did the voters remain together?—They did up to then.

2569. What then?—I could not say about the rest of the voters.

2570. Did you afterwards see them together? —No.

J. Roche.

2 April 1867.

—No. Mr. Hort had a troop of lancers. I sent in a report, and dispatched two policemen into Fethard to report the occurrence to Mr. Hort. Mr. Hort and a troop of lancers came out with a troop of police. We went to Doherty's; Doherty was at home; he took Doherty into Fethard, I think.

Cross-examined by Mr. *Hackett.*

2571. How many voters had you altogether?—Four.

2572. Doherty went away to his own place?—Yes.

2573. And you brought him in subsequently?—Yes.

2574. How near were you to Kane when the dozen people were round him?—He passed me by.

2575. Were you able to have kept Kane in your custody?—No.

2576. Did those dozen people appear to force him towards O'Brien's?—Yes.

2577. Did you stop at O'Brien's?—I am not aware.

2578. You did not see him subsequently?—Not on that day.

[The Witness withdrew.

JOHN MACARTHY was called in; and, having been sworn, was examined by Mr. *Ryan*, as follows:

J. Macarthy.

2579. You keep an inn in Fethard?—Not an inn, a grocer's shop.

2580. Fethard lies between Mullinahone and Cashel?—Yes, and Clonmel.

2581. Do you know Mr. Edmund Power?—I do.

2582. How long have you known him?—I have known him for the last ten years.

2583. Do you know that he was conducting agent to the Honourable Captain White at the last election?—Yes.

2584. Did you get any money from Mr. Edmund Power before the election?—I did.

2585. Do you know a man by the name of Bulbert?—Yes.

2586. Did you give any of the money to Bulbert?—Yes.

2587. How much was the money that you got altogether?—About 26 *l.*

2588. For what purpose did you get the money?—I got it for the purpose of giving it to people of the town, to give Mr. White a good name.

2589. In fact, a hired mob?—I got it, at all events, and I got it for the purpose.

2590. To distribute among the people of the town to give Captain White a good name?—Yes.

2591. You faithfully followed your directions?—I faithfully gave it away, every penny, to men, women, and children.

2592. How much did you give to Bulbert?—Bulbert got nothing from me. I gave the money to Bulbert to distribute it.

2593. Did you know any of those people that the money was distributed to?—I knew the greater part of them.

2594. Did you happen to see them on the polling day at Fethard?—I did not; some of them I did.

2595. Were they giving Captain White a good name that day?—The day before.

2596. Did they give Mr. Waldron a good name?—No.

2597. Did they give him a bad name?—Mr. Waldron's name was not much spoken of in Fethard.

2598. Did you see any of the people you gave the money to stop the voters next day?—No.

2599. You were in your shop attending to your business?—Yes.

2600. And the money was distributed to a good many?—Yes.

2601. Do you know Stokes?—Yes.

2602. Did you give any money to Stokes?—I gave 5 *l.* or 6 *l.* to Stokes, and for which Stokes passed me an I O U. I did not wish to give the money to Stokes.

2603. But you gave the money to Stokes?—Yes.

2604. What was he to do with it?—He was to give it for the same purpose that I gave it.

2605. You wanted to have some check over Stokes?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

2606. Where were those persons you gave the money to?—They were living in the town.

2607. Did you in any way whatever advise or encourage rioting?—No; quite the reverse. I gave it, in fact, for charity to every poor man or woman that wanted a shilling or sixpence. I got it in shillings, half-crowns, and sixpences.

2608. The women that called got shillings, and half-crowns, and sixpences?—Yes.

2609. But you did it to create a favourable impression?—It was. I had a double motive. I wanted to give it to the poor that wanted it. I could have put the money in my pocket, if I had thought proper. I do not think that Mr. Power would ever bring me to account.

2610. Do you know of any money being given in the same way on the other side?—I heard of it.

2611. Mr. *Ryan.*] Do you know it?—I could not swear to it; it was reported.

2612. Mr. Serjeant *Ballantine.*] Did you know of money being given to poor people by the agents of Mr. Waldron?—I know of drink given.

2613. By agents of Mr. Waldron?—Yes.

2614. You knew of that?—I did.

[The Witness withdrew.

PHILIP BULBERT was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

P. Bulbert.

2615. ARE you a Tailor at Fethard?—A Master Tailor.

2616. Do you know the last witness, Mr. John Macarthy?—Yes.

2617. Did you shortly before the last election for Tipperary receive any money from him?—Yes.

2618. How much?—Something about 23 *l.*

2619. What

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2619. What did you do with it?—I did with it as he ordered me.

2620. What was that?—To give it to people about.

2621. Anything further?—In order to give Mr. White a good name.

2622. How did you distribute it and give it?—Shillings and two shillings, and so on; five shillings and two and sixpence.

2623. Did you give it all away?—I did.

Cross-examined by Mr. Serjeant *Ballantine.*

2624. Do you know that the same thing was done on Mr. Waldron's side?—Yes.

2625. Was it women and children that you gave it to?—Yes.

2626. Principally?—I gave it to one woman, and she was blind on her bed for nine months before I gave it to her.

2627. Did you give it to any other women?—Yes.

2628. And children?—Yes.

2629. Were they poor persons in the neighbourhood?—Yes, in the neighbourhood.

Re-examined by Mr. *Macnamara.*

2630. How do you know the same thing was done by the other side, of your own knowledge, did you see it?—I have heard it at the Cashel Sessions; I have heard it sworn there.

2631. Is that why you say you knew it was done?—Yes.

[The Witness withdrew.

Mr. Samuel Henderson was called in; and, having been sworn, was Examined by Mr. *Cunningham*, as follows:

Mr. S. Henderson.

2632. You are Samuel Henderson, junior?—Yes.

2633. Where do you reside?—County Tipperary.

2634. What are you?—A farmer.

2635. Do you remember the morning of the poll?—I do.

2636. I believe certain voters were collected with whom you proceeded to Cashel?—Yes.

2637. In whose interest did they proceed to Cashel?—Mr. Waldron's.

2638. Do you remember when you reached Ballymunty?—Yes.

2639. There you met other voters in Mr. Waldron's interest?—Yes.

2640. And you proceeded to Cashel?—Yes.

2641. You arrived there between 11 and 12 o'clock?—Yes.

2642. I believe you had to pass Captain White's tally-room; you and your party?—Yes.

2643. When passing it, what occurred?—We were attacked by a a large mob.

2644. Beside attacking you, what did they endeavour to do?—They scattered the voters and pelted them with mud and dirt, and broke the car I was on, crushed it down, and called out, "In here, in here," and wanted to force the whole into Mr. White's tally-room.

2645. The mob cried, "In here, in here"?—Yes.

2646. Was this near Mr. White's tally-room?—Yes, opposite the door.

2647. And when they said, "In here," had they obvious reference to Captain White's tally-room?—Yes.

2648. Did you receive any violence?—Yes.

2649. What violence?—They struck me with a stone, or it might be a piece of metal.

2650. Where?—Cut through my hat, and went as far as it could without breaking my skull.

2651. Were you taken anywhere?—Yes.

2652. In consequence of that, where?—To the infirmary.

2653. And attended by Doctor Russell?—Yes.

2654. How long did you suffer in consequence of that?—About three weeks.

2655. Can you say whether any, or if any, of the voters that accompanied you in the interest of Mr. Waldron, voted?—I think so, some; but I could not say the whole of them, or a quarter of them with me voted.

2656. Do you remember a person by the name of Switzer?—Yes.

2657. He was a voter?—Yes.

2648. What happened to him?—He got a very severe beating.

2659. When you were encountered by the mob, did your party remain together?—No, every man was scattered but Richard Switzer, Robert Kane, and myself.

2660. What happened to you?—I was severely injured; Switzer got a great beating, and Robert Kane got some strokes, but not as much as Switzer.

Cross-examined by Mr. Serjeant *Ballantine.*

2661. You and the two who were with you all voted?—I did.

2662. And the other two who remained with you, voted?—I did not see them.

2663. Did not they go up with you?—No, we went separately to vote.

[The Witness withdrew.

Nicholas O'Shee was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

N. O'Shee.

2664. Where do you live?—A place called Clohea.

2665. Do you know William Shee of Milestown, William Brittan, of Cloneen, George O'Brien of Cloneen, and Philip Sheehan of Ballyhamilly?—Yes.

2666. Do you remember the morning of polling at Cashel?—Yes.

2667. Did those people that I have just mentioned meet you for the purpose of going in to vote for Mr. Waldron?—Yes.

2668. Where did you meet together?—At a place called Milestown, at Mr. Shee's place, not the whole party you mentioned.

2669. About what hour in the morning was it you

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you were about to proceed to Cashel?—The car met us between eight and nine o'clock.

2670. When you were about to start did you see any number of persons?—Yes.

2671. About how many?—I should say about 40, more or less.

2672. Where did those people come to?—They came to where the car met us at Milestown.

2673. Were there any constabulary or any military force with you at this time?—No.

2674. How many cars had you at the time?—I could not remember.

2675. Did those people that came up to you where you were to meet at Milestown, do anything to you?—Yes, they ordered us to get up on the cars; the car took us up from that to halfways between where we met, and Cloneen.

2676. They took you to Cloneen?—Yes.

2677. You say there were about 40?—Forty, more or less.

2678. How many of you were there?—At that time there were four voters.

2679. Four people then?—Yes.

2680. Had those people anything in their hands at the time?—Yes, large sticks.

2681. Did they take you to any particular place in Cloneen?—Yes.

2682. Where to?—They did not bring the car all the way with us to Cloneen; they took the car part of the way, and made us get off the car outside.

2683. How far outside Cloneen was that?—Halfways between Milestone Bridge and Cloneen.

2684. Where they took you off the cars?—Yes; the whole distance might be a quarter of a mile, more or less.

2685. You walked, then, into Cloneen?—Yes.

2686. Were these people still about you?—Yes.

2687. When they got you into Cloneen, where did they take you to?—They got us into Mr. O'Brien's taproom.

2688. How long did they keep you there?—They kept us there for a length of time.

2689. What did they do with you next; did they take you anywhere else?—Yes.

2690. Where next?—At one time they wanted to take us to Kilmurray, but some of the parties resisted.

2691. Did you hear them say that they were going to take you to Kilmurray?—Yes.

2692. Where is that?—A different line to where we were going to vote.

2693. The opposite direction to Cashel?—Yes.

2694. Where did they take you to next from O'Brien's?—They took us out in the market and kept us there a time, and took us into O'Brien's again.

2695. Did you make any attempt to escape?—Yes, I did; I said, at any risk I would try to get into Fethard to send out the army to bring in the rest of the voters; I left my coat there and got out the back way.

2696. How did you get out of the house?—I got the back way.

2697. How far did you get?—I could not exactly say; about 50 perches, or less.

2698. What happened then?—I was met there again, and brought back by the mob.

2699. They pursued you?—Yes, they did pursue me.

2700. Were you captured again?—Yes, I was brought back again.

2701. Where did they take you when they brought you back?—They got us into Mr. O'Brien's house again.

2702. About what time did the troops come in at all?—I should think it was between twelve and one o'clock when the troops came to us.

2703. Where did the troops escort you to?—To Fethard.

2704. How far is it from Cloneen to Fethard?—About three Irish miles.

2705. Describe the state the road was in, and what you found between Cloneen and Fethard?—There were barricades in the road, even close to Fethard.

2706. Did you see more than one barricade?—Yes.

2707. About how long would you say, as nearly as you can, that it took you to go the three miles from Cloneen into Fethard?—About an hour and a half.

2708. Was that in consequence of the barricades?—Yes.

2709. What was the nature of those barricades?—Stonework and timber strewn across the roads.

2710. When you got into Fethard, did you find a number of people there?—Yes.

2711. What state were those people in?—They seemed to be very much excited.

2712. A mob?—Yes.

2713. About how many did you see there?—Really I could not say that.

2714. About how many?—There may be a couple of hundred there, more or less.

2715. About what time was it when you got into Fethard?—I should think it was close on three o'clock.

2716. Did you get into Cashel at all?—No.

2717. Therefore you did not vote?—No.

2718. Do you know any of the others that were prevented from going in?—Yes.

2719. Name them?—There was James Skean, William Skean, William Shee, William Brittan, George O'Brien, and Pat Doherty.

2720. All of these men were going in to vote for Mr. Waldron?—Yes.

2721. You are yourself a Catholic?—Yes.

2722. Were the others?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

2723. How do you know they did not go in and vote?—They told me they were going to vote.

2724. How do you know they did not vote?—I did not go and they did not go; they were kept back with me from Fethard.

2725. About what time?—About four or five o'clock.

2726. Where did you start with them?—From Fethard.

2727. What time did you start?—Ask me from where. I started from my own place in the morning, where the car met me at eight o'clock.

2728. It was arranged that you were to be stopped; you were not stopped on purpose?—I could not say that.

2729. Did you expect to be stopped?—When I saw the mob, I might expect.

2730. Did

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2730. Did you expect to he stopped?—When I saw the mob, I might expect to be stopped.

2731. You did not make any great resistance?—Undoubtedly.

2732. You were not much hurt?—No.

2733. Nor any of the others?—No.

Re-examined by Mr. *Ryan.*

2734. Was it you yourself that got the mob to stop you?—No, no such thing.

[The Witness withdrew.

WILLIAM SHEE, was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

W. Shee.

2735. Do you live at Milestone?—I do.

2736. Are you one of the tenants of Lady Isabella Fitzgibbon?—Yes.

2737. Are you a voter for the county Tipperary?—Yes.

2738. On the morning of the polling day, at the last election, did you go with the last witness, Nicholas O'Shee, William Brittan, George O'Brien, and Philip Skean, to the last witness, Nicholas O'Shee's house; did you meet there?—No, they all met at my house; not all, only William Braddon, George O'Brien, and Nicholas O'Shee, I think.

2739. And then, were you going from there to Cashel, to vote for Mr. Waldron?—Yes, I was going with him.

2740. In the morning, when you were about starting, what hour was it?—About eight o'clock.

2741. State what happened then?—A parcel of people met us, and stopped us going, and brought us back close to Cloneen, instead of letting us on.

2742. They took you to Cloneen?—Yes.

2743. Where did they put you there?—Kept us in to the house.

2744. Do you remember whose house?—Mr. O'Brien's house.

2745. Did you endeavour to escape from the house; did you try to get away?—No, we saw it would be useless until there was an escort sent for us.

2746. You were put into a room in that house?—Yes.

2747. Was the door locked on you?—I do not think it was locked; we were allowed to walk in and out, and there were people in and about the place, and we told them not to do us any harm, and we would not run away.

2748. Do you remember the last witness, Nicholas O'Shee, getting out the back door, and trying to get away?—Yes, he told me.

2749. When the soldiers came, did you go with them to Fethard?—Yes.

2750. About how long were you kept in the house before you went on?—Two or three hours.

2751. In going to Fethard, did you see anything on the road, across the road?—Yes; there was stone walls built, and timber and things across the road.

2752. When you got to Fethard, what happened there?—There was timber and things across the road to prevent the cars going, and we did not go beyond Fethard.

2753. About what time was it you were in Fethard, when you got there?—About one or two o'clock.

2754. Were you able to get on to Cashel in time to vote?—Scarcely, I think.

2755. Did you go to Cashel?—No.

2756. Did you vote then?—There was a man at the hotel who said he was an agent.

2757. Did you vote?—No, I did not vote.

2758. About how many voters were there with you when you were in Fethard?—I think about six.

2759. Did they return with you from Fethard?—Yes.

2760. They did not go on to Cashel?—No.

Cross-examined by Mr. Serjeant *Ballantine.*

2761. You do not mean to represent, upon your oath, that you could not have got to Cashel and voted if you had chosen?—The gentleman that had the command of these troops said that he would not go with us any further, because he did not think he would be safe in bringing us further; and I said, if he was not, we did not want to get into any further scrape.

2762. Could not you have got on perfectly well to Cashel and vote, and did not one of your companions walk in and vote?—I do not think we could.

2763. Did not one of your companions walk in and vote?—Into Cashel?

2764. Yes?—One of them went in.

2765. Why did not you, if you wanted to vote?—He went some bye-roads to vote. I did not want to go any bye-roads.

2766. You liked to go straight forward, and so you went back?—Indeed I did.

2767. Did you see Mr. Hort, the magistrate, there?—Yes.

2768. Did not he offer to take care that no harm should come to you?—Offered to take me where?

2769. From Fethard to Cashel?—No.

2770. He was there, was not he?—Yes.

2771. You did not care much about voting for Mr. Waldron, did you?—I do not think I would like to answer that question for you.

2772. Why do not you like?—I do not wish to tell you except I am bound to tell it.

2773. I do not want to ask a thing unless you wish to tell?—(*No answer.*)

Re-examined by Mr. *Macnamara.*

2774. Did you leave in the morning for the purpose of going to Cashel to vote for Mr. Waldron?—I was not going to vote at all myself; I was going to accompany the other voters. I was not going to vote myself for either party.

2775. Had you any reason for not voting on that day?—I had.

2776. Now, what was it?—I do not like to tell.

2777. You need not mind telling?—I was not going to vote for either party.

2778. You stated one man, who, I think, was of your party in the morning, that voted?—No, he did not go to my house at all; he went from his own house, he told me.

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2779. I was going to ask about that one man; what time did he leave in the morning?—Very early.

2780. He was not of your party at all?—No.

2781. I understood you to tell my learned friend that he went by bye-roads?—He went by bye-roads; he told me so.

2782. What time did you say it was when you arrived in Fethard?—I think about two o'clock.

2783. About how far is Fethard from Cashel?—About seven miles.

2784. Seven Irish miles?—I think so.

2785. My learned friend asked whether Mr. Hort, the magistrate, did not offer to take you on to Cashel; did he offer?—No; he told me, when we reached Fethard, that he did not think it was safe for him; he thought our lives would not be safe in his hands any further, and that he would leave us at the hotel.

2786. Mr. Hort, the magistrate, told you that he did not think your lives would be safe in his hands any further?—Yes; I said if that be the way, do not take us any further.

2787. Did he say it in the presence of the other voters of your party?—There were three persons; I do not know whether the third person heard it, but I think another person heard it with me.

[The Witness withdrew.

Mr. William Brittan was called in; and, having been sworn, was Examined by Mr. *Cunninghame*, as follows:

Mr. *W. Brittan.*

2788. You are a Gentleman Farmer?—Yes.

2789. Living in Ballyhoman?—Yes.

2790. Do you remember the morning of the last election?—Yes.

2791. You went up to Mr. Shee's?—Yes.

2792. To accompany him and others to vote for Mr. Waldron?—Yes.

2793. You went to the town of Cashel?—Yes.

2794. Do you remember when you and the others were on the car just about starting for Cashel, what occurred?—We were taken from the cars.

2795. By whom?—By the mob.

2796. Were you taken off forcibly?—Yes.

2797. Where were you taken to?—Up to Cloneen.

2798. You were then taken to some person's house?—We were put into a house.

2799. Whose house?—Mr. O'Brien's.

2800. You were put into the house and left there?—Yes.

2801. Were any precautions taken to keep you there?—When we were put into the house, the door was closed for a little time, and we were let in and out afterwards; we had to remain some time there.

2802. You say that after some time the door was opened, and you were permitted to go in and out?—Yes.

2803. Could you and the party who were with you go away if you desired?—No.

2804. You were held in custody by the people who were outside?—Yes, we would not be allowed to go.

2805. About how long were you kept in and about the house?—I could not tell you; two or three hours.

2806. As near as you can remember?—Yes.

2807. After some time you left it?—Yes.

2808. How did it come that you were permitted to leave it?—The army came forward, and we went on the cars.

2809. You went then in the direction of Cashel?—As far as Fethard.

2810. What o'clock was it when you reached Fethard, as well as you can remember?—I could not exactly say.

2811. As near as you can remember?—About two, more or less.

2812. Can you tell me how far Cashel is from Fethard?—I should say about eight or nine miles, more or less.

2813. Did you vote for Mr. Waldron on that day?—No, I did not.

2814. Would you have voted for Mr. Waldron had you not been detained at O'Brien's?—I would.

2815. Did you hear the resident magistrate make any statement as to what the result would be if you went to Cashel?—I could not exactly say what he said; I could understand he did not consider we would be safe in going in there.

2816. Do you remember on the evening before this having met any of Captain White's agents returning from Mullinahone from the meeting that was held at Mullinahone?—I do not recollect.

2817. Any short time before that?—I often met some of them before.

Cross-examined by Mr. Serjeant *Ballantine.*

2818. Had anybody asked you to vote for Waldron?—Yes.

2819. Who?—Mr. Shee; he is an agent of our landlady, and he said it was the landlady's wish that we should all vote for Waldron.

2820. Are you a tenant-at-will?—Yes.

2821. Have you voted on former occasions?—Yes.

2822. Have you always voted Liberal?—I voted according to the wish of my landlord.

2823. Without any opinion of your own?—I would not go against them.

2824. You have no opinion of your own?—Whatever he required me to do I was inclined to do, so far as what would be fair.

2825. That is to say, vote whichever way she desired you?—Yes, I would.

2826. Did you hear one of your party say they should not much mind if you got stopped?—I did not say so.

2827. Who did?—I do not know.

2828. You said you did not, that rather implies somebody did; who did; did anyone say they should not mind if they stopped you?—I heard it talked of.

2829. Whom by?—About how many I could not say.

2830. Tell us one?—I do not like to give any person's name.

2831. I wish you to do so; you will have the goodness to do it; who was it?—I heard Mr. O'Brien say he would rather not go.

2832. George O'Brien say he would rather not go?—No one else.

2833. Did not you hear Shee say so?—No.

2834. Was

2834. Was O'Brien one of your party?—He was.

2835. And a voter?—Yes.

2836. He had been told by his landlord or landlady whom to vote for?—I do not know.

2837. He is under the same landlady?—Yes.

2838. And a voter?—Yes.

2839. Did he say it very loud?—Not very loud.

2840. Loud enough for a good many people to hear?—I could not say indeed whether many heard him or not.

2841. You heard him?—Yes.

2842. What did you say to him; did you make any remark?—I told him to hold his tongue.

2843. Then, half a dozen able-bodied men were stopped by violence, and could not manage to get to Cashel; is that what you mean; to go back to Ireland, do you mean to tell me you could not have got to Cashel if you had wanted; George O'Brien, it was in his house you were, and he made you very comfortable?—It was in his house.

2844. Then it was George O'Brien, who kept the house, who said he should not mind if they were stopped?—Yes.

2845. Did he say it in the public room?—I did not hear him say it in the room.

2846. Where did you hear him say it?—Outside.

2847. Where the people were?—There were people there. Mr. *W. Brittan.* 2 April 1867.

2848. And after O'Brien had expressed his opinion you were stopped by force?—We were stopped before that.

2849. What time was it O'Brien said that?—I cannot exactly say.

2850. Were you very angry about it; you did not much mind it, did you?—Was I angry?

2851. Yes?—No.

2852. You gave up your franchise without much sorrow?—(*No answer.*)

Re-examined by Mr. *Ryan.*

2853. Was it George O'Brien's house that you were taken to in Cloneen?—Yes, in Cloneen.

2854. Was it in the hearing of this mob that were keeping you that he said this?—I believe there were some of them present.

2855. Was it done to curry favour with the mob, and try and get out, as they say in Ireland, to enable the men to get out?—I could not say; I suppose it was; I wish that it might be.

2856. Would you have gone in that day, if you could, to vote for Waldron?—I would.

2857. Did not you think Mr. Waldron was a very good landlord?—Yes, I did.

[The Witness withdrew.

Mr. JOHN GLEESON was called in; and, having been sworn, was Examined by Mr. *Macnamara,* as follows:

2858. ARE you a Farmer?—Yes.

2859. Where do you live?—I live in Town's End, Kilvennon.

2860. Are you a voter for the town of Tipperary?—Yes.

2861. On the following day at the last election were you going with Mr. William Pennefather and some others to vote for Mr. Waldron?—I was going.

2862. Were you going to Cashel?—I was.

2863. About how many were going with you?—I believe eight on the car that I was on.

2864. Were there others on other cars going with you?—Yes, indeed there was.

2865. When you got to Mullinahone, state what happened; what took place; did you see some people there?—Yes.

2866. Did they do anything?—Indeed they did.

2867. What was it they did?—I happened to be on the last car, and there was a horse that fell on the bridge; there was a good many on the car as we could learn and see; they began to hoot at the parties and began to pelt puddle.

2868. What was it you did then?—Not one ha'p'orth was done to me; I came off the car.

2869. When you came off the car, were you taken anywhere?—No; but I went into the house.

2870. Was the door shut upon you when you got in?—It was not.

2871. When you got into the house, what took place?—Nothing but to sit down.

2872. What did you go into the house for?—When I saw pelting puddle in the streets, every person that was on the car went off with me, and we went in.

2873. When you saw the pelting going on in the street, you went into the house?—Yes.

2874. How long did you remain in the house?—Till all was over. Mr. *J. Gleeson.*

2875. How long was that?—I should think a quarter of an hour; I do not know whether more or not.

2876. Was a man of the name of John Pheelan with you?—No; he was on the car.

2877. Was he in the house with you?—No; he was on one side of the car and I the other; he went off one side and I the other.

2878. Was there anybody in the house with you that had been on the cars?—Yes.

2879. How many?—Three more and myself.

2880. Were they voters?—Yes, they were.

2881. When you got out of the house, where did you go?—I went home.

2882. Then you did not vote?—No, I did not go nearer than Mullinahone to Cashel.

2883. Did these other three men go home with you?—No, they did not.

2884. Do you know what became of them; you do not know of your own knowledge?—I heard they went and voted.

Cross-examined by Mr. Serjeant *Ballantine.*

2885. Whose tenant are you?—Messrs. Foster; I hold the land under three, unfortunately.

2886. Was it at anybody's wish you were going up to vote for Waldron; did anybody ask you to go and vote for Waldron?—They did.

2887. Who was it?—I was asked by two; I had a letter from White, and I got another message from my agent.

2888. Is he the collector, the man who collects the rents?—Yes.

2889. What is his name?—Mr. Jellicof.

2890. He is the rent collector?—Yes.

2891. He collects the rents?—Yes.

Mr. *J. Gleeson.*

2 April 1867.

2892. Have you voted for the county before? Yes.

2893. Have you voted Liberal, or what?—Liberal or what?

2894. Did you vote on the Liberal side?—I voted on the side that I liked to go to myself; I was never interfered with before, and I always went with a majority of the people.

2895. You were never interfered with before?—Yes; I was never asked for my vote before.

2896. Could you have got to Cashel if you had liked?—I think I could.

Re-examined by Mr. *Macnamara.*

2897. I understand you to tell my learned friend that you were asked on this occasion to vote for Waldron?—Yes.

2898. Did you consent to do so when you were asked; did you say you would?—I was not at home when the messenger came to me; but then I went with my neighbours, the tenants.

2899. When you left them this morning, did you go with the intention of voting for Mr. Waldron, if you got to Cashel?—Indeed I did.

2900. You meant to do so?—Yes.

2901. You have told us you met with a crowd of persons when you went into the house?—Yes.

2902. When you came out of that house were you or not afraid to go on to Cashel?—I was not afraid of the mob.

2903. Were you afraid of anything else?—You had better not ask me the question; I did not vote.

2904. Were you afraid of anything else?—I was not afraid of the mob after getting off the car, because there was every one that knew me.

[The Witness withdrew.

Mr. Patrick Shanahan was called in; and, having been sworn, was Examined by Mr. *Ryan*, as follows:

Mr. *P. Shanahan.*

2905. Where do you live; near Ballinasloe? Near Kilcolly.

2906. Do you remember the day of the election in Cashel?—Yes.

2907. Were you going to vote for Mr. Waldron?—Yes.

2908. Was there anybody going with you?—There was.

2909. Who were they?—There were some tenants belonging to my landlord, Mr. Leister, and other parties besides.

2910. What time did you leave in the morning?—I could not exactly tell.

2911. About what time?—About seven o'clock in the morning.

2912. Did you meet any mob of people?—I met them in Ballinasloe.

2913. Were you on a car, or walking?—I was on a car.

2914. How many were on the car with you?—Three, and myself.

2915. What happened to you when you got to Ballinasloe?—We went to Ballinasloe; there was a crowd of persons met us; they came shouting, and cutting the reins of the horses; I saw a stone thrown; I was knocked senseless off the car; I was raised up by some friends, and taken into a house convenient.

2916. About how far was it from your own house when you were knocked senseless?—It was about three miles.

2917. How long were you at this house where you were carried into before you were able to go home to your own house?—My father-in-law's was a quarter of a mile distant, and they took me up there where I remained for two days.

2918. Were you much injured by that blow?—Yes, I got a severe cut.

2919. How far were you when you were so struck, from Cashel?—I suppose 10 or 12 miles.

2920. Ballinasloe from Cashel is about how far?—I cannot exactly tell you; it is 15 miles from my own place.

2921. How long were you under that blow that you got?—It was not perfectly healed for about a month.

2922. Would you have been able to go into Cashel to vote that day after the blow you got?—If I was able I should have done so.

2923. Was it you yourself that got the people to beat you, and knock you senseless?—No.

2924. Was there anybody else struck upon that occasion?—I do not know.

2925. You were knocked senseless, and do not know any more?—No.

[The Witness withdrew.

Mr. Thomas M'Gee was called in; and, having been sworn, was Examined by Mr. *Macnamara*, as follows:

Mr. *T. M'Gee.*

2926. Were you Canvassing Agent for Mr. Waldron at the last election?—I was.

2927. At what place did you canvass?—At Killaloe, and several towns.

2928. On the morning of the election, where did you go to, to meet some cars?—I went to the Cross of Urard.

2929. Had you made arrangements for cars to be there to meet the voters?—I had, the evening before.

2930. How many had you made arrangements for?—Eight cars I expected to meet.

2931. How many came to you?—Five.

2932. Did you proceed with those five and your voters to Cashel?—I came on with the voters from that till I came up to Killaloe; I got more voters there; I then came to Clonnichan, and I got more voters there.

2933. Did you go on then to Ballinasloe?—Yes.

2934. When you got there, what took place? We met a furious mob there; a very large mob. I sat in the third car; I was determined, if possible, as I was known very well in the county, I was determined to go on; I thought they would not stop me.

2935. What did they do?—The mob ran up to every front horse as thick as they could stand; I heard a cry that one of the men was knocked down; I leaped off the car expecting that I could relieve them or stop the mob; I found then the front

front car was turned round, and I saw the reins hanging down cut.

2936. What did you see with the second?—The reins also cut, and the two cars turning round.

2937. What became of the other cars?—The car I was on I ordered the horse to turn round; the mob pressed very hard against me then.

2938. Did you drive away with those you could drive away with?—I ordered every man to turn back; it was quite useless to try to go through such a furious mob; we would be killed; I said we would go to a place to wait for assistance.

2939. Were you pursued?—They followed us a quarter of a mile on the road, and it gave us as much as we could do to get our lives safe; the drivers were not able to drive the cars well on account of the reins being cut; they were afraid of the horses taking a head.

2940. Did you yourself manage to collect some of your party, and get to Cashel?—We got backwards about a mile to Clonnichan; there was a public path there; I halted the men, and told them to stand there quiet, and when I counted my men, I lost seven in the fray below.

2941. Did you manage to find the seven in time for them to vote?—No; then I inquired all I could, and I could learn from one of the party, who said that the rest of my men had gone home.

[The Witness withdrew.

Mr. *Ryan* asked whether Mr. Serjeant *Ballantine* would admit that the letter of the 25th of October was in the handwriting of Mr. Power.

Mr. Serjeant *Ballantine* stated that he would admit it to be the handwriting of Mr. Power.

Mr. *Ryan* handed in the following documents: Circular of Mr. Kilkelly, which was agreed to be in his handwriting; the Resolution passed at the meeting, held in pursuance of the preceding circular, signed by Dr. Power and his clergy. The Circular of the 10th, concerning the meeting of the 13th October, and the Resolution passed at that meeting, signed by the Archbishop and a number of the clergy.

Mr. *Macnamara* handed in a paper, showing that the three voters, Patrick Ryan, John Ryan, and Dennis Walsh, voted as follows: Patrick Ryan and Dennis Walsh for Captain White, and John Ryan did not vote at all.

Mr. *Ryan* stated that that was his case on behalf of the Petitioners.

Mr. Serjeant *Ballantine* was heard to open the case on behalf of the Sitting Member.

[Adjourned to To-morrow, at Eleven o'clock.

Mr. *T. M'Gee.*

2 April 1867.

Wednesday, 3rd April 1867.

SIR PHILIP GREY EGERTON, IN THE CHAIR.

Mr. Serjeant *Ballantine* continued his Address on behalf of the Sitting Member.

JOHN GORE JONES, Esq., was called in; and, having been sworn, was Examined by Mr. *Hackett*, as follows:

J. G. Jones, Esq.
3 April 1867.

2942. YOU are a resident Magistrate?—I am.

2943. You are stationed in Thurles?—Yes, I am.

2944. I believe you had charge of that polling district at the last election for Tipperary?—Yes.

2945. Have you had large experience of elections in Ireland?—Yes, I have attended a great many.

2946. What would you say was the character of the last election for Tipperary in your opinion?—It was very much like all the others I have attended; there was a great deal of tumult; a great deal of rough enthusiasm, mud throwing, and stone throwing.

2947. You had the military and the police force in the town that day?—A very large number.

2948. Were you at intervals through the day through the town?—Yes.

2949. Did you offer and give escort to any voters requiring it at your hands?—Every person that required it; I took precautionary measures to ensure that.

2950. Had you, as a matter of fact, a sufficient military and police force to enable you to give protection to those who wished to proceed to the poll?—Ample.

2951. Are you able to say that any set of men wishing to poll could have the opportunity of doing so; are you aware from the state of the military in the town that those who wished to poll would be enabled to poll?—

Mr. *Ryan* objected to the question.

2952. Mr. *Hackett.*] Are you aware that anybody was prevented from polling on that occasion?—I am not; I ought, perhaps, to state that it was represented to me that one man had gone into a house, and I went into that house about 4 o'clock, when matters were quiet, and asked him if he was hurt; he told me he was not; I offered to escort him, and he refused.

2953. Are you able to tell me what the man's name was?—Lanagan.

Mr. *Ryan* objected to any conversation being given between the Witness and the gentleman.

Cross-examined by Mr. *Ryan.*

2954. You have been a long time stationed at Thurles, in the county Tipperary?—Yes, 23 years.

2955. And you have had a few hair-breadth escapes yourself?—Yes, a good many.

2956. Did you go out with an escort of dragoons to escort in some tenants of Mr. Cowper's?—Yes; I left Thurles at half-past 7, and returned about 11.

2957. How many resident magistrates besides yourself were there in the quiet town of Thurles on that day?—Mr. Ryan; no one else.

2958. You were the only two in the town on that day?—Yes; the Government sent six magistrates to different parts of the county.

2959. About how many people were killed in the town on that day?—Not any by election matters.

2960. Did you hear anything of Mr. Ryan of Glenpaden?—That was the man who died several weeks after from the blow he got; so it was said.

2961. If a man does not die on the spot, you do not think it arises on the election. I did not say died on that day, but was killed on that day; do you know Mr. Lanagan of Castle Fogarty?—Yes.

2962. He is an old gentleman?—Yes.

2963. A Roman Catholic gentlemen of large fortune?—Yes.

2964. Do not you know that he was beaten on that day?—I saw him covered with mud.

2965. Did you see him covered with blood?—I do not know that I saw any blood upon him. I went to his deliverance from that mob; he was surrounded by the mob.

2966. Do you know Colonel Bagwell Purefoy?—Yes.

2967. He is a gentleman of considerable position?—Yes.

2968. Do not you know that he was beaten on that day?—I heard him say so; I do not know of my own knowledge.

2969. Did not you go down with an escort of Scotch Greys to rescue him where he had taken refuge?—Not on purpose to rescue him; I was escorting voters; I sent to the house. I pulled up the squadron of Greys I was with, and sent an

an officer, a sub-inspector, to find him out and bring him out.

2970. Do you know a man of the name of McGree?—Yes.

2971. Was not he a supporter of Mr. Waldron?—I think he was.

2972. Do not you know that his house was wrecked by the mob?—Yes, in the evening, soon after the election.

2273. You do not consider it arose out of the election because it was in the evening?—No; I did not say from what it arose.

2974. Do you know a man of the name of Moina?—Yes.

2975. Was not his house wrecked by the mob?—No, a few windows broken.

2976. Is he alive or dead?—Dead.

2977. How long did he survive the attack on the house?—A very short time; he was a man of delicate health.

2978. Were not the windows of the Bridewell broken?—I do not know that.

2979. Do not you know that the police had to take refuge under the Court-house wall?—I do not know.

2980. Do not you know that some of the police were severely struck?—We were all struck, more or less.

2981. Were you struck yourself?—Yes.

2982. At this peaceable proceeding?—I never said it was peaceable.

2983. About what force of military and police had you in the town of Thurles?—Twenty police and a squadron of dragoons.

2984. Do you know where Ballinsloe is?—No.

2985. Were there any infantry?—Yes; I had a company of infantry also in Thurles.

2986. Could you tell me on a rough calculation, what was the amount of the mob you had in the town?—I cannot tell you that.

2987. You are a very experienced man in that sort of thing; could you approach the number?—I have not the least idea; the town was filled. It would be impossible to calculate the number.

2988. You were not at Ballinasloe?—No.

2989. It was a long way from you?—No.

2990. You were not where the barricades were put across the road?—No.

2991. If a man was 20 miles outside the town you could not protect hin?—No. *J. G. Jones, Esq.* 3 April 1867.

2992. You are a resident magistrate; how many outrages came under your notice that occurred that day in the town of Thurles in your capacity as resident magistrate?—There were five or six persons punished at the assizes for outrages.

2993. How many punished and unpunished; how many outrages were reported to have occurred that day to you, as resident magistrate?—A good many persons said they were struck, but there was no formal report made to me.

2994. Did any of Captain White's voters apply to you for protection?—No, not any.

Re-examined by Mr. Serjeant *Ballantine.*

2995. How many contested elections have you known?—I cannot well tell you; I have been 36 years a public officer, and I have been sent to various parts of Ireland at the contested elections.

2996. You have known some of the Tipperary elections?—Yes, three before this.

2997. Who was the popular candidate on this occasion?—Mr. White.

2998. Have you attended contested elections where Mr. Waldron was?—Yes.

2999. And when he was the popular candidate?—Yes.

Mr. *Ryan* objected to the course of re-examination, as not arising out of the cross-examination.

3000. Mr. Serjeant *Ballantine.*] I ask whether proceedings were carried on with the same amount of noise, tumult, and injury as upon the occasion of this election?—

Mr. *Ryan* objected to the question.

Mr. Serjeant *Ballantine* was heard in support of his question.

The *Chairman* stated that the examination could not be pursued.

[The Witness withdrew.

Mr. James Scott Couser was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine,* as follows:

3001. Are you a Cashier in a Branch of the Bank of Ireland at Clonmel?—Yes. Mr. *J. S. Couser.*

3002. And a voter on the register?—Yes.

3003. Did you vote at the last election?—Yes.

3004. For whom?—For Mr. Waldron.

3005. I mean in 1866?—Yes.

3006. Were you able to do so without difficulty?—I was.

3007. At Thurles?—Yes.

3008. You were not impeded or injured?—No.

3009. Were you at Thurles the greater part of the day?—I was at Thurles from about 11 till 4 or 5 o'clock.

3010. I suppose your countrymen are rather noisy at the election?—Sometimes they are rather impetuous.

3011. Did you see whether any of your party were prevented voting by the intimidation of the mob?—I did not see any person molested.

3012. And you were not molested yourself?—I was not.

Cross-examined by Mr. *Macnamara.*

3013. Did you see any of Mr. Waldron's voters in the street at all on that day?—I saw some of those I supposed to be Mr. Waldron's.

3014. A few or many?—A number of them.

3015. You went by yourself to Thurles?—Yes.

3016. By train?—Yes.

3017. What distance?—It is a long distance by train, not more than 20 miles by road.

3018. About 30 miles?—I think about that.

3019. You saw a great deal of violence on this day in Thurles?—No, not violence.

3020. A great

Mr. *J. S. Couser.*

3 April 1867.

3020. A great deal of intimidation?—Intimidation is a very comprehensive word.

3021. Did you not see a great deal of intimidation exercised on that day in Thurles?—I saw what I considered intimidation, but I have already said it is a very comprehensive word; and I would rather explain what I mean; when I arrived at Thurles, I saw a large crowd on the bridge who were supposed to be for the Sitting Member, Captain White, and that fact in itself I looked upon as intimidation; but when I came up to the crowd, I passed through them without being molested in any way; others I know were nervous and perhaps intimidated by that, but as regards violence, or as to any people being impeded in getting to the booths, I did not see any of it.

3022. You know others were alarmed and terrified; I understand you to say you know some were?—Some might have been.

3023. Do not you know some were?—I think I have heard some parties say they were nervous.

3024. By the *Committee.*] Are you aware of it yourself?—I am not aware of my own personal knowledge.

3025. Mr. *Macnamara.*] Did you see any of them covered with mud?—I did see several covered with mud, in what way they got that I am not aware.

3026. Did you see some of them with blood upon them?—No; I do not recollect.

3027. Will you undertake to say you did not; just consider and be careful?—I will.

3028. You will undertake to say you did not?—I will; I do not recollect seeing blood upon any person.

3029. You say you do not recollect; did you see?—I did not.

3030. You undertake to swear you did not?—Yes.

3031. You only saw mud?—Yes.

3032. Have you never said that you never saw such intimidation before as you saw upon that day?—I may have stated that; I saw some intimidation, that intimidation I have explained.

3033. Did you not say that you never saw such intimidation before, as you did upon that day?—I may have said it; I do not exactly remember stating it in those words.

3034. You yourself were not known at Thurles?—Not by the mob, I should think.

3035. You went by yourself?—I did.

3036. And passed on alone from the station to the polling booth?—I walked to the hotel, and from the hotel to the polling booths.

3037. By yourself?—Yes; by myself.

Re-examined by Mr. Serjeant *Ballantine.*

3038. What time did you vote in the day?—I could not state exactly; I should think about 12.

3039. And I suppose it was then known whom you voted for?—It was known in the booth, certainly.

3040. Did you meet with any molestation afterwards?—No, none whatever.

3041. Did you remain from that time till four or five o'clock in the town?—I walked about the town and booths.

3042. Did you see other voters coming up and voting for Waldron?—I saw people in the booth.

3043. You saw people in the booth, and people out in the town?—While in the booth, I saw others registering their votes; I did not know them.

3044. Did you see other voters on the one side and the other coming up during the afternoon?—I saw those whom I imagined to be voters.

3045. You saw no molestation offered to any of them?—None.

[The Witness withdrew.

JOHN BAGWELL, Esq., a Member of the House, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

J. Bagwell, Esq., M.P.

3046. ARE you a Member for the county and borough of Clonmel?—For the town.

3047. Have you been so, long?—Ten years.

3048. Have you been acquainted with the county election for Tipperary for any great length of time?—All my life.

3049. Some 40 years or so?—Not quite so much; not very far from it.

3050. Whom have you voted for in the preceding elections to 1866?—For Mr. Waldron.

3051. Have you generally voted for Mr. Waldron?—Always when I voted.

3052. I presume you are on the Liberal side of politics?—Yes, I think so.

3053. I ask you, although it is a matter of fame, I am obliged to have it on the notes, whom did you vote for in 1866; the last election?—For Captain White.

3054. Were you influenced in doing that by the Archbishop of Cashel?—

Mr. *Ryan* objected to the question.

Mr. Serjeant *Ballantine* called the attention of the Committee to the eighth allegation in the Petition.

3055. Mr. Serjeant *Ballantine* (to the *Witness*).]. In voting for Captain White in 1866, were you influenced by the conduct or by the dictation of the clergy of the diocese, or by the Archbishop of Cashel?—Certainly not.

3056. I have the right further to ask you, having voted previously for Mr. Waldron, how was it that you voted at the last election for Captain White; what was the reason that in 1866 you voted for Captain White, having voted previously for Mr. Waldron?—Mr. Waldron's change of politics, as I gathered it from his public address.

3057. From his public address you gathered that, having been a Liberal, he had become a Conservative; that was the view you took of it?—That was the view I took of it.

3058. Was that view generally taken in the county?—Certainly.

3059. You live in the county?—Yes.

3060. Do you live in it really?—Really.

3061. And are acquainted with the political feeling in the neighbourhood?—I think as much as any other man in the county.

3062. You are a brother of the gentleman who

who took the name of Purefoy?—Yes, Colonel Purefoy.

3063. I believe you were canvassed by Mr. Waldron for the 1866 election; the last election?—I could not say I was actually canvassed.

3064. Did he come to you?—No, he did not.

3065. Up to the time of the address being published, you had intended to vote for him?—I told him I would support him; by letter I told him.

3066. And you intended to support him?—Yes, most decidedly.

3067. When you saw his address, you thought it was a hoax?—I really did.

3068. Where did you vote?—At Clonmel.

3069. Were you at any of the other places; you would not have been likely to have been at any of the other polling places?—No.

3070. Do you remember the meetings at Thurles?—I do.

3071. Were you present there?—I was.

3072. Do you know how it was that that meeting was convened?—It was convened by Mr. Maher, who had been for a number of years Member for the county; he was the only man who was much mixed up with politics at the time, and he knowing the wishes of many gentlemen around him, called a meeting.

3073. To your knowledge, have the clergy interfered before that time?—They have not interfered to my knowledge.

3074. You were present at the meeting convened by Mr. Maher?—Yes.

3075. Were many influential landed proprietors of the Roman Catholic persuasion there?—Yes, there were.

3076. And as far as you could see, what was the general feeling of the meeting?—The general feeling of the meeting was to get a candidate to oppose Mr. Waldron.

3077. That is to say, to get a Liberal candidate?—Yes.

3078. Did you yourself have an interview with the Archbishop?—I had.

3079. Did you in any way assist or justify any kind of intimidation or threats to be used during that election?—

Mr. *Ryan* objected to the question, it not being alleged that the witness ever did commit any acts of intimidation.

Witness.] It was after the meeting that I saw the Archbishop.

3080. Was anything whatever said or suggested by the Archbishop, or any clergyman, in that meeting, involving the use of violence?—Certainly not.

3081. I have stated the fact, that the county has always returned a Liberal Member?—Since my memory; I cannot recall any other time before that.

3082. Do you remember the election between Waldron and The O'Donoghue?—Yes.

3083. Was there much violence during that election to your observation?—I really forget whether I was present.

3084. It is not a matter that makes much impression on your mind?—No, there is so many of them.

Cross-examined by Mr. *Ryan.*

3085. You say that Mr. Waldron changed his political views?—In my opinion.

3086. You thought it was a serious matter?—I did.

3087. Have you known many other people do the same thing; did not you stand for Clonmel as a Conservative?—Never.

3088. For the county Tipperary?—Never.

3089. You never stood as a Conservative for the county Tipperary?—No.

3090. Did you ever publish an address as a Conservative?—Never.

3091. Did you ever support a Conservative candidate for Tipperary?—Never.

3092. You said to my learned friend that, to your knowledge, the clergy had not interfered, and I took the liberty of objecting; have you ever heard of Mr. James Kilkelly, an attorney?—I have heard the name; I have heard there was such a man in the county; I do not know that I ever saw him.

3093. What was the day of the meeting at Thurles?—Really I forget the date.

3094. You were not aware when you gave that answer to my learned friend, that Mr. James Kilkelly had written a circular, signed long before the 4th, by the Bishop of Killaloe, convening a meeting of the clergy?—I should doubt the fact.

3095. If it were proved clearly that before the meeting of the 4th, Mr. Kilkelly had written a circular, signed by Doctor Power, would you think that an interference?—Certainly not; it may be so.

Mr. Serjeant *Ballantine* stated that this must be proved to be the fact, and that it was no use examining on an assumption.

3095*. Mr. *Ryan.*] But there was a circular issued at the instance——

Mr. Serjeant *Ballantine* objected to the form of question.

The *Chairman* stated that the document alluded to was signed on the 5th of October, therefore it could not have been received by the party to whom it was addressed several days before the 5th of October.

3096. Mr. *Ryan* (to the *Witness*).] If it was proved to you that the circular was in preparation, at the instance of Doctor Power, the Bishop of Killaloe, several days before the 4th of October, would you say from that evidence that the clergy had not commenced to act before the 5th of October; would you say that the clergy had not in some way interfered?—Do you mean interfered improperly?

3097. I did not say "improperly"; I merely say interfered?—I have a great difficulty in answering the question; I never heard of such a thing.

3098. I endeavour to put very clear questions; if you heard it satisfactorily proved (assume that), that several days before the 4th of October, there was in preparation a circular, at the instance of Doctor Power and the Bishop of Killaloe, would you still continue to say that there was not some interference on the part of the clergy, before the 4th, some action?—There would have been action of course, that is not interference.

3099. I need not ask you, you were at none of those other polling places?—No.

3100. You walked about Clonmel?—Yes.

3101. Had you your umbrella?—I do not know that I had.

J. Bagwell, Esq., M.P.

3 April 1867.

3102. Was not there an overwhelming force of military and police in Clonmel?—Yes, enormous.

3103. It was generally very quiet in Clonmel?—Yes.

3104. And Mr. Waldron had a majority in Clonmel?—Yes.

Re-examined by Mr. Serjeant *Ballantine*.

3105. My learned friend has asked you about Mr. Waldron's majority in Clonmel; do you know anything about the history of that majority; how it happened at Clonmel that there should be a majority; I mean in relation to his position in the county?—I do not know exactly that; but the very large Conservative proprietors are in that neighbourhood; they had taken very good methods of bringing in their tenantry.

3106. Large Conservative proprietors in that neighbourhood who had taken very good methods to bring in their tenantry?—Yes.

3107. Is that the neighbourhood where Lord Lismore lives?—He lives at Cloneen.

3108. The polling place is at Clonmel?—Yes.

3109. Is he a large proprietor?—A very large proprietor.

3110. His tenants came up to poll for the Conservative?—I am told so.

3111. Do you think Lord Lismore a Conservative proprietor?—He has made so many changes I cannot say.

[The Witness withdrew.

Captain Dudley Byrne was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:—

Captain *D. Byrne*.

3112. Is your name Dudley Byrne?—Yes.

3113. Captain Dudley Byrne?—Yes.

3114. Were you an agent at the late election for Tipperary for Captain White?—I was.

3115. Did you bring up some voters from Templemore?—Yes.

3116. To where?—To Thurles.

3117. How many of them?—I dare say, perhaps 70 or 80.

3118. Were there other voters being brought up for Waldron?—Yes.

3119. By whom?—I cannot tell what agent.

3120. About how many?—I could not say exactly. I saw some there; I could not say exactly how many.

3121. Who were in the carriage with you?—There were three or four persons, supporters of Mr. Waldron. There was a Mr. Kennedy, and Mr. Bradshaw.

3122. And Mr. Smithers?—Mr. Smithers was there, but I do not think he had a vote.

3123. He was a friend of Mr. Waldron's?—He was with a party who were friends of Mr. Waldron.

3124. Did anything pass in the carriage; were they all in a good humour?—Yes; there was a good deal of chaffing and joking between us as we were passing from Templemore to Thurles; a good deal of joking about the result of the election.

3125. I believe that you did utter that sentiment about the piper?—I do not recollect having used those words; on my oath I have no recollection of having used them; I might have done so.

3126. Is that a favourite expression of yours?—Not exactly.

3127. You will not undertake to say you did not?—I will not undertake to say that I did, or did not.

3128. Did you, in point of fact, either by the use of any such expression as that, or any other, intend to convey any threat?—None whatever.

3129. Had you known Kennedy before?—I had known Kennedy, I dare say, for 30 years; he is a gentleman for whom I have the highest respect.

3130. What day was this on; the 20th of October?—The day the election commenced.

3131. When you got the voters out, what took place?—Where do you speak of?

3132. When you got them out of Thurles?—Before leaving Templemore, we went over by special train; the ordinary train from Dublin had not arrived, but would arrive in a few minutes as we left Templemore; and Mr. Lanigan said to me——

3133. You had some conversation with Mr. Lanigan; is he a Member of Parliament?—He was the Member for Cashel at one time.

3134. He had been a Member?—He had been a Member.

3135. You had some conversation with him; what took place afterwards?—I waited at Thurles till Mr. Lanigan arrived by the half-past ten o'clock train, to accompany him to the polling place with the voters that I expected with him, along with the voters that accompanied me over to Thurles.

3136. Did you at that time, or any other time, utter any threats or offer any violence?—None whatever. I swear, on my solemn oath, I neither aided or abetted, directly or indirectly, to prevent any man voting for Mr. Waldron.

3137. Did you encourage any of your people to do so?—On my oath I did not, directly or indirectly.

3138. Have you been in the army, or are you in the army?—I have been in the Spanish service; but I am not in the army.

3139. Did this take place when you got out; did you call out to any mob that was with you to fall in the rear?—No, I called to no one to do it.

3140. You called to no one to go to the rear; is there a word of truth in that?—Not a syllable; it would be just as true as if you were charging me.

3141. No, I am very quiet; did you tell or say, using the word "Toryites," to go to the front, and your people to go to the rear?—No.

3142. Did you interfere, by any word to your people, with the voters coming up to poll upon the other side?—The voters did come over with me to Thurles: upon their arrival, they went on by degrees down to the polling place.

3143. Was there any violence or disturbance committed?—I saw none; I went down alone; I do not think any one accompanied me down to the polling place: the men went off by threes and fours, and fives.

3144. And voted?—I suppose they did.

3145. You did not keep them; it was not necessary to take care of them; they voted as they promised?—Yes, as far as I know.

3146. How long were you in Thurles altogether?—

gether?—I think I got to Thurles about a quarter to 11.

3147. And remained till when?—Till the six o'clock train, I think.

3148. There was some noise and confusion in the town?—There was a good deal of shouting and excitement.

3149. And some mud thrown?—And some mud thrown.

3150. Have you been present at other elections?—I have.

3151. Was there more excitement upon this than upon former elections?—I do not suppose there was; but I would call the recent election at Thurles a drawing-room affair, compared with the election I saw in Queen's County.

3152. It was said by my learned friend that you brought the mob with you, independently of the voters?—I did no such thing.

3153. Was there anybody but voters with you?—At Templemore I was applied to for tickets by voters for their servants and working men; and my reply was, if I give the tickets I shall have to pay for them; and I declined to give them.

3154. And to your knowledge there was not a soul with you but voters?—I cannot say that; there was no one brought by me but voters; if anybody got into the train besides, I was not accountable for that.

3155. I say by your assistance?—Certainly not.

3156. You told us substantially all that took place; with your assistance, at all events, there was no violence of any kind?—No.

3157. None that you saw?—Upon my solemn oath, I neither aided, abetted, nor assisted in any way to prevent Mr. Waldron's voters voting for him.

3158. Had you any instructions for doing so?—None whatever.

Cross-examined by Mr. *Ryan.*

3159. You were a paid agent of Mr. White?—Yes.

3160. You are a Captain?—Yes.

3161. What is your present occupation besides being a White agent at the election?—I farm a large tract of land.

3162. And collect taxes?—Yes, I am high constable for the barony of High Kairn.

3163. "By the piper that played before Moses, Kennedy, you will have a different tale to tell by the time you get back to Thurles;" on your solemn oath, did not you say that?—On my solemn oath, I have no recollection of saying it.

3164. On your solemn oath, did not you say it?—On my solemn oath I have no recollection of saying it; and if I said it, I would not be ashamed to acknowledge it.

3165. If you said it, and would not be ashamed to acknowledge it, you would not be ashamed to say it?—No; because, if expressed at all, it was joking.

3166. Did you see Mr. Crawford's teeth knocked out?—I did not.

3167. Do you believe his teeth were knocked out?—I dare say they were.

3168. Have you a doubt of it?—I never heard of his teeth being knocked out till I read it in the newspaper.

3169. Do you think, if his teeth were knocked out, it would make any difference to him whether you were in jest or earnest?—Perhaps not.

3170. Will you swear that you did not use the words?—I will not swear I did or did not.

3171. Do you know Mr. Kennedy?—Yes; perhaps longer than you.

3172. Do not you know he was struck?—I do not know that he was.

3173. You do not know?—I do not.

3174. Did you see any one knocked down, on your oath?—On my oath I did not, at Thurles.

3175. You went on in front?—I did no such thing.

3176. Did you remain behind?—I remained until Mr. Lanegan came over by the second train.

3177. When you got to Thurles, where did you go to?—I believe I fully explained to you.

3178. No?—Yes, I did.

3179. What did you do when you got into the town of Thurles?—I went and polled.

3180. Did you go with the people who came with you?—No, they went before me.

3181. In the presence of the mob you may have had with you, you said, in Templemore, "By the piper that played before Moses you will have a different tune when you come back"?—I do not admit that I said that.

3182. Whatever you said was said in the presence of the people who were with you?—There was only four or five with me in the carriage; that was where it was supposed to be expressed.

3183. You left the people and went off by yourself when you went into Thurles?—No, I waited for the second train to come up.

3184. Did you leave the people and go there by yourself?—They went before I came into the town. I remained till the second train arrived.

3185. You cannot say what they did when they were not with you in Thurles?—I should think it would be very difficult for me.

3186. The captain remained in the rear, and the troops marched before; did you see some of Mr. Waldron's voters escorted by the troops?—I did; I think I did. I saw the dragoons at the station.

3187. Did not you say, "Shove them on, boys"?—No.

3188. That is perfectly false?—On my oath it is as false as anything can be.

3189. You did not say, "Shove on, boys"?—Not a word of the kind.

3190. Or tell your own people to form in the rear?—Not a word.

3191. Nor anything like it, to that effect?—Not a word.

3192. If anybody swore it, it would not be true?—Decidedly not.

3193. Then Captain White's paid agent would be the person telling the truth?—Decidedly; you are so disinterested about the paid agent, that I suppose you are doing your work for nothing.

3194. You are not a violent person?—No.

3195. Not a bit excited?—No.

3196. Not a bit excited?—No.

3197. You were perfectly calm that day?—Perfectly.

3198. Gentle in mind as a moonbeam?—You are very metaphorical.

3199. Did you see Mr. Carden on that day?—Yes.

3200. Was he struck?—There was mud thrown at him.

3201. Will you swear there were not stones thrown at him?—I cannot say; there was mud.

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3202. Did you see Mr. Horatio Lloyd?—I think Mr. Horatio Lloyd went home in the same carriage with me.

3203. Was not he struck that day?—I do not know.

3204. You swear you do not?—Yes.

3205. Did not Mr. Lloyd charge you with being the person who struck him?—He did.

Re-examined by Mr. Serjeant *Ballantine.*

3206. Who is Mr. Horatio Lloyd?—He is a gentleman living near Templemore.

3207. He has not been up here?—No.

3208. Have you seen him here?—No.

3209. Whatever he may have said or seen, did you strike him?—No.

3210. Did you cause him to be struck?—Not a bit.

3211. Did you cause any one to be struck?—Not a bit.

3212. About "the piper that played before Moses," my learned friend seems to think that he would have a different tune to play; you say you do not recollect using that expression at all?—I do not.

3213. Can you say whether you used any such expression as that "you will have a different tune to play when you come back"?—I have no recollection of having used the words.

3214. Did you hear the people laughing and talking with each other?—We were all laughing and talking.

3215. Did you offer any threat gravely to him, or anybody else?—No, decidedly not; they were all personal friends of my own.

3216. You did not see the mud thrown at Carden?—I did.

3217. Was that by one of your voters?—I think it was thrown by women, if I am not mistaken.

3218. They have not a vote at present?—No. I went and saved him and prevented any annoyance to him.

3219. You prevented any further annoyance?—Yes.

3220. Upon the subject which my learned friend has been dwelling upon, of the paid agent, do you people in Ireland act differently from us, work for nothing?—No, certainly not.

3221. Were there paid agents upon the other side?—I suppose there were.

3222. It is a matter of course you should be paid?—Certainly.

[The Witness withdrew.

JOHN FLEMING, Esq., was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine,* as follows:

J. Fleming, Esq.

3223. ARE you a Stipendiary Magistrate of Nenagh?—I am.

3224. When an election takes place, do you gentlemen take the full management of the constabulary?—In general we do.

3225. And of the military?—Yes.

3226. It is only by your directions and orders that they can act. The military are placed at my disposal. I am appointed to take charge of the military. The military cannot act without the magistrate; the county inspector takes charge of the constabulary.

3227. It is usual, is it not, in all elections to have the assistance of the military?—It is so.

3228. Have you known many elections in Tipperary and Nenagh?—I remember five or six elections.

3229. I will ask you whether this election was in any way peculiar from other elections; was it more violent?—No.

3230. Not more violent than other contested elections?—No.

3231. I take it for granted, that in Ireland, and for a great extent in England, there is always a great deal of excitement where there is a contested election?—Yes.

3232. You cannot always restrain the conduct of the people?—No, you are not always able.

3233. Upon this occasion, taking the day through, how did the people behave?—Very well.

3234. Was there any intimidation of voters, that you witnessed?—I witnessed none. I saw every voter go to the poll.

3235. To your knowledge, was a single voter prevented from polling?—Not to my knowledge.

3236. I do not call hooting and things of that kind violence, but was there any personal violence to people by any party there?—No; one gentleman got a blow on the head.

3237. One gentleman got a blow on the head?—I did not see him.

3238. You only know that he had it?—I saw him after he got it.

3239. Was the man who gave it him taken into custody?—No.

3240. There was an instance of a man taken into custody?—Yes.

3241. Do you know who it was?—Yes, he was brought before me; he was a poor man; an information was sworn against him.

3242. You committed him?—Yes, he threw a stone; he did not know at whom, and hit a policeman in the back; a young policeman brought him up, and I committed him to gaol.

3243. There was no difficulty in bringing him up?—No.

3244. Was he a voter?—No, a servant boy of some country farmer.

3245. What age?—Twenty-five.

3246. Was it the only case you investigated?—Yes, it was the only case I investigated.

3247. In your experience of so many years, was the election conducted as decently as any you know of?—As decently as any election I attended.

3248. Was there the slightest appearance of any combination to prevent voters coming to the poll?—I saw nothing of the sort.

3249. It has been said that there were Roman Catholic clergy heading the mobs and interfering with the voters; did you see anything of the kind?—I saw Roman Catholic clergymen bring people, voters, to the poll. I saw no interference.

3250. You saw them bring up their own voters to the poll?—Yes.

3251. Did you see any of them leading a mob with

with violence?—No; my duty was inside the railings of the Court-house; therefore I did not see it.

3252. Did you hear any such complaint made?—No.

3253. Was any such complaint made to you?—None.

3254. Was your interference sought to protect anybody from any such interruption?—No; I was to send a military escort for any party of freeholders that required it for protection.

3255. Was any complaint made to you, or did you witness any interference on the part of any one of the clergy?—I did not.

3256. With reference to the voters whom the clergy you say brought up, did you observe there was anything done to induce them to give their votes; how did they appear; did they come up willingly?—They walked up willingly and quietly to the Court-house; I was in the Court-house myself.

Cross-examined by Mr. *Macnamara*.

3257. Where were you stationed this day at Nenagh?—Outside the Court-house where the polling booths were; inside the railings.

3258. You were inside the inclosure at the Court-house?—Yes.

3259. That is where you were stationed?—Yes.

3260. You had a very large body of police around you?—Yes, a large body of police and military.

3261. I suppose there were other magistrates and police inspectors and constabulary moving about the town?—Yes; there were six other stipendiary magistrates sent out to assist in discharging this duty.

3262. There were six magistrates moving about the town?—Yes; to take the voters through the town and preserve quiet.

3263. What was the number of soldiers in the town that day, cavalry for instance?—A squadron of Greys and a troop of the Carbineers; four companies of infantry, and four or five hundred police; I can speak to the military.

3264. Do you know Mr. James Spaight, formerly Member for Limerick?—I do not know him personally, but I saw him on that day.

3265. Did you see him coming up with the police and military about him?—No.

3266. Did you see him after he was struck?—Yes, after he was struck.

3267. Did you also see others come up who had been struck, after they had been struck?—No.

3268. You saw Mr. Spaight?—Yes, he was speaking to some gentleman in the yard inside the railing.

3269. Did you remain outside the polling booths?—I remained outside; I did not go in.

Re-examined by Mr. Serjeant *Ballantine*.

3270. There were a good many troops; do you know there were reasons connected with the state of the country that induced the transmission of more troops than usual?—Yes.

3271. There were such reasons?—Yes; the military were ordered for the proper protection of the freeholders of the county that wished to come in to vote at the election.

3272. You say there were more than usual for other reasons?—We had no more than we thought requisite for the proper preservation of the peace.

[The Witness withdrew.

Mr. Robert James Reamsbottom was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

3273. Are you Sub-inspector of the Constabulary at Nenagh?—I am.

3274. Were you on duty during the polling day of this election?—I was.

3275. I presume your duty was to see that the peace was maintained, and to give any assistance that was necessary?—That was my duty.

3276. Did you from time to time pass through the town and meet the bodies of voters that were coming up?—I was chiefly stationed at one place throughout the entire day.

3277. Where was that?—Mid-way between the Court-house and Castle-street.

3278. Would that give you the opportunity of witnessing the different voters that came in?—It would.

3279. Nearly the whole of them?—Yes.

3280. Which street?—Peter-street.

3281. The leading gangway?—Yes.

3282. Have you known other elections?—Yes, several elections.

3283. Was there more disturbance at this election than former ones?—No, I do not think there was.

3284. Were the voters who wanted to vote for Mr. Waldron, permitted to do so?—I think they were; I did not see any of them prevented.

3285. Did you see any intimidation exercised towards any of them?—I cannot say I did.

3286. Did you see anybody taken away and prevented from voting?—No, I did not.

3287. And, as far as you know, being in command of the constabulary?—I was in command only of a party.

3288. As far as your observation went, were they perfectly free to exercise their votes?—As far as my observation went, they were.

3289. Was there, from the beginning to the end of the day, any riot?—I believe there was a riot; but I did not see it.

3290. What part do you say there was any disturbance, as you heard?—I believe it was on the occasion of the Cloughjordin voters.

3291. I believe you were not present, you did not witness it?—I was at some distance; I could not distinguish persons; I saw there was a commotion nearer to the Court-house than where I was; I could not say what it was.

3292. As far as your observation went, was anybody prevented voting?—No.

Cross-examined by Mr. *Ryan*.

3293. My learned friend asked you this—he said the voters were perfectly free to vote; do you mean to convey to the Committee that if it were not for the overwhelming force of the military andpolice, Mr. Waldron's voters would have found a chance

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a chance of getting up at all?—They would have found great difficulty in getting up to the Court-house; there were a great number of people in the street.

3294. How many people were there in the street; I mean the mob on the polling day?—I do not think I ever saw such a number of people in Nenagh as there were that day.

3295. You, as I understand, were sent off to a particular place for a particular duty, your party?—Yes, I was.

3296. Did you in the discharge of your duty, go down at all to meet the trains, do you remember?—I did not.

3297. Do you know where Mr. Spaight was struck?—Yes.

3298. About how far was that from the Court-house?—About 80 yards.

3299. Were you present at the moment?—No, I was not present, I was at some distance.

3300. Was not there a large force of dragoons, both before and behind Mr. Spaight, as he was coming up?—I really do not recollect that.

3301. A large escort?—I know there was an escort; but what the escort consisted of I cannot say.

3302. And notwithstanding that, he was struck within 100 yards of the Court-house?—I believe he received the blow.

3303. You would not call that a quiet proceeding upon the part of the mob, striking a man surrounded by an escort of military; was not it a very daring thing to do?—I suppose it was.

3304. Did you see any Roman Catholic clergymen at the head of these large parties whom you saw in the town?—I do not recollect that.

3305. I will bring it to your recollection, perhaps; did you see the Rev. Mr. Scanlan, of Toomavara, coming in?—I did not.

3306. You were not up at the polling booths at all?—Yes, I was.

3307. At what part of the day?—I went up once or twice; there being a lull at the place I was stationed at, I walked up to the Court-house.

3308. Did you go in?—Yes, I did.

3309. Do you know where Mr. Fleming was stationed all day?—I believe about the Court house.

3310. Inside the railings?—He might have been inside the railings.

3311. A very safe locality?—Yes, it was; every place was quite safe.

3312. How many gentlemen of your rank in the constabulary were there in the town that day?—Five or six.

3313. And how many resident magistrates were there in the town that day?—Five or six.

Re-examined by Mr. Serjeant *Ballantine.*

3314. You were not near enough to see where Spaight was struck, but you could see some occurrence of that kind was taking place?—I saw a commotion.

3315. Did it amount to anything of a riot?—I cannot answer that question; I was not near enough to see.

[The Witness withdrew.

CHRISTOPHER DEGERNON, Esq., was called in; and having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

C. Degernon, Esq.

3316. ARE you the Resident Magistrate of the town of Tipperary?—Yes.

3317. Does that mean stipendiary magistrate?—Yes.

3318. And were you at the last election?—I was.

3319. And stationed, and having charge of the town?—Yes.

3320. We have heard of the troops?—Yes.

3321. In your judgment, was the election attended with more than usual noise?—No.

3322. Was it worse conducted than other elections had been previously?—No; I think it was much better.

3323. You are a magistrate, and you have nothing to do with directing any prosecutions; in that event you have nothing but to hear cases and commit, if cases are brought before you?—We decide summarily in some cases, and we return others for trial.

3324. Were any voters of Mr. Waldron prevented from coming to the poll?—I cannot answer that question.

3325. To your knowledge were any?—I do not think there were in Tipperary.

3326. Do you remember the election between Mr. Moore and The O'Donoghue?—No, I was not there then.

3327. Did you have any complaint made to you of voters being prevented coming to the poll?—I had complaints that voters were impeded in coming to the poll, and injured coming to the poll.

3328. Did you investigate any of them?—I did.

3329. Were any, within your knowledge, prevented?—Not prevented.

3330. They voted?—I cannot say whether they voted, but they arrived at the place for voting.

3331. And, as far as you know, voted?—Yes.

3332. Of course, if there had been anything of a riot you would have been bound to read the Riot Act?—There was not the necessity.

3333. You did not read it?—No.

3334. And the poll was not suspended?—No.

Cross-examined by Mr. *Bourke.*

3335. You told my learned friend you think the last election for the county Tipperary was much better conducted than former ones; in what way was it better conducted than former ones?—By the arrangements that were made by the magistracy for the preservation of the peace.

3336. Did introducing a very large number of military into the town and district form part of those arrangements?—The most essential part of them.

3337. Were those necessary precautions in your opinion?—Absolutely necessary.

3338. Why?—I should mention some occurrences that took place at Tipperary a short time previous to answer your last question; there had been considerable rioting in the town of Tipperary about two months before the last election, and

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and I assembled a large police force in the town for the purpose of stopping those riots; I was obliged to go to the assizes of Nenagh, and the magistrates thought that by sending home the extra police force the irritation in the minds of the people would be removed; that was done, but it had not the desired effect, for the rioting became worse, and a small body of police in the town, I think to the number of about 12, were compelled to sally out from their barracks, in a shower of stones, with loaded arms and fixed bayonets, to prevent the houses being burnt; they were compelled to charge the mob several times; it was necessary to mention that to you.

3339. In consequence of the excitement that existed previous to the election, were those thought desirable precautions to take in order to secure the safety of the town of Tipperary during the poll; was that your opinion?—It was.

3340. Where were you during the time of the polling in Tipperary?—At the commencement I took a troop of cavalry and a party of constabulary to a place called Latton, some distance from the town of Tipperary, five miles.

3341. What time did you leave Tipperary?—It was eight o'clock when I left Latton in the morning.

3342. When did you return?—I was back in Tipperary about 11 o'clock.

3343. I believe you know Mr. Wood?—Yes.

3344. Was he stationed in Tipperary also, all the day?—He was brought into Tipperary from his station for duty.

3345. Was he there during the polling?—He was.

3346. Did you hear the Rev. Mr. O'Connell address the people at the Cross that day?—I heard a clergyman address the people, and I heard that his name was Mr. O'Connell; I cannot state it positively, from my own knowledge.

3347. Was he a gentleman dressed in the dress of the Roman Catholic clergymen of the country?—He was a priest.

3348. Where did he address the crowd from?—From a window of a house in the main street.

3349. Whilst he was addressing the crowd, did a man in the crowd make any remark?—Yes.

3350. What was that?—The crowd was very dense, and a man leaped up with a stick in his hand, and called out "Hurrah for Waldron."

3351. What was done?—The attention of the crowd was immediately directed towards him, and there was a rush made in the direction of where he was.

3352. Was any violence offered to the man?—The crowd appeared to press with very considerable violence in that direction, and he got into a house.

3353. Were the mob violent at the time?—They appeared as excited mobs generally are, when an opponent starts up in the midst of them with a stone in his hand.

3354. Do you know whether any man was struck that day in Tipperary?—I know they were.

3355. Do you know Mr. Lowe?—I know Mr. Lowe.

3356. The Rev. Mr. Leech?—I know Mr. Leech, but I am not aware of his having been there; I do not at the present moment recollect he was struck.

3357. Do you know that Mr. Spaight was struck?—Yes.

3358. Mr. Baker?—Yes, Mr. Baker also.

3359. Mr. Maguire, was he struck?—I cannot state it for myself, but I can state that the others were.

3360. This address which you heard on the day of the polling, was it from a common house, or a public-house, or where?—I think it was a public-house.

3361. Did you hear what the reverend gentleman said?—No; I endeavoured to catch some of the words, but the noise was so great that it was impossible to hear.

3362. There were other resident magistrates besides you and Mr. Wood in the town of Tipperary?—Mr. Wood is not a resident magistrate; there were two resident magistrates sent down to do duty with me; one remained in the town and the other was sent down to Banshea. Captain Seagrave went to Banshea, and Mr. French remained in the town.

[The Witness withdrew.

Captain George Massey Dawson was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Captain *G. M. Dawson.*

3363. You are a Resident Proprietor in the county Tipperary?—Yes.

3364. You are a Magistrate, and a Grand Juror of that county?—Yes.

3365. Do you remember the occasion of the last election for Tipperary?—Yes.

3366. Were you in the town of Tipperary that day at the polling place?—A very short time at the polling place. I was with the troops.

3367. Tipperary is the polling place of the district?—Yes.

3368. You were in command of a portion of the troops on that day?—Yes.

3369. What part of the town were you stationed at?—I was stationed up to 2 o'clock at a place called the Spittall, one entrance of the town.

3370. Are you able to say whether that was a particularly quiet district of Tipperary?—It was perfectly quiet during all the time I was there.

3371. I believe you have had some experience of contested elections in Tipperary?—Yes.

3372. You remember some contested elections?—Yes.

3373. As far as your experience, are you able to form an opinion did this election differ from any that preceded it?—I never knew an election to be quieter than this was generally. I might, perhaps, say that, during the time the electors were being conveyed from the Railway-station to the Court-house, there certainly were a good many stones thrown; if it were not for the men with the escort everything was perfectly quiet.

3374. Did you see any of Mr. Waldron's voters walking about the town?—Yes, plenty of them.

3375. Were they enabled to walk about the town without being molested?—I saw Count Jarnecke, Mr. Smith Parry, and Mr. Cust. I never saw the least interference.

Captain *G. M. Dawson.*

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3376. Were those gentlemen known to be Mr. Waldron's supporters?—Yes.

3377. Do you know of any voter having been prevented from polling on that day?—No, I do not know.

3378. In your experience, with the exception of the stones thrown during the escort, the town was quiet?—Yes.

3379. And the voters could poll if they pleased?—Yes; I was not at the poll much; I went up there; it was perfectly quiet whenever I went up.

Cross-examined by Mr. *Ryan.*

3380. Whenever you went up to the poll, it was perfectly quiet?—Yes.

3381. How many troops did you have with you?—There was one company of infantry and a troop of cavalry.

3382. About how many; about 150 in all?—I should think not quite so many.

3383. You stuck pretty close to the infantry and cavalry; you were in command of them?—Yes, I was there.

3384. You got off perfectly safe?—Quite safe.

3385. Do you know Mr. Wood?—I do know Mr. Wood.

3386. I believe he was principally in the position of danger; he was escorting the voters backwards and forwards?—I do not think Mr. Wood was on duty there at all.

3387. Mr. Wood, the sub-inspector of Dundrun; are you not aware that his duty was to escort the voters up and down to the polling place?—I forget whether it was or not; I only know what I saw myself.

3388. Do not you know that there were a great many persons assaulted that day?—No; I saw none except those men going with the escort.

3389. And except those that were assaulted, there were none assaulted?—Except those under escort.

3390. You were merely speaking of the town of Tipperary where you were?—Yes.

3391. You cannot tell anything that passed 30 or 40 miles in the out-places in the other part of the county?—No, not of my own knowledge.

3392. It was merely to preserve, as far as you could, order in the immediate place about the polling place?—Yes.

3393. You were up about the Spittall till about two o'clock?—Yes.

3394. Are you sure that Count Jarnecke has a vote at all?—Indeed I do not know; I know he was a supporter.

3395. I am rather of opinion he has not?—He was one of the supporters; I do not know whether he has a vote.

3396. Smith Parry is the owner of the whole town of Tipperary?—I do not know what he is the owner of.

3397. Does not he own the whole town of Tipperary, with the smallest possible exception, and Mr. Cust is his agent, who lives on the spot?—Yes, near the town.

3398. Is not the Spittall the very quietest part of the whole town?—It was as quiet as possible that day. It was supposed that it would not be quiet when I took the post.

3399. Did many voters of Mr. Waldron come in, in that direction at all?—No, I do not think so.

3400. Do you think one came?—Yes, I am sure one of Mr. Waldron's party came in that way.

3401. Do you know two men of the name of Givans?—Yes.

3402. Do not you know they were prevented from going to poll?—Not to speak of my own knowledge.

3403. You were asked in your examination in chief, were any persons prevented coming up?—I am only talking of my own knowledge.

3404. You cannot tell me whether there were not 50 prevented from coming up?—No, of course I cannot.

Re-examined by Mr. *Hackett.*

3405. Is not Count Jarnecke one of the landed proprietors in that part?—Yes.

3406. And an acknowledged supporter of Mr. Waldron?—Yes, I think he is.

[The Witness withdrew.

DANIEL M'KEOGH, Esq., was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine,* as follows:

D. M'Keogh, Esq.

3407. ARE you a Surgeon, practising and residing also in Nenagh?—Yes.

3408. Is that in the county Tipperary?—Yes.

3409. Were you called in to attend James Ryan, the person supposed to have been killed at Thurles?—Yes.

3410. He died six or seven weeks after the election, I believe?—I think in or about six weeks.

3411. Did you see him three days before his death?—Yes, I saw him on the 29th of November.

3412. Did you go carefully into all his symptoms?—Yes; I examined him as closely as I possibly could.

3413. What was he suffering from?—When I saw him he was suffering from high fever.

3414. Was there any wound at all about him that would account for the state he was in?—There was a scalp wound in his head.

3415. Would that account for the state of high fever, as far as you could judge?—I understood that wound was caused by the doctor who opened the cut.

3416. I suppose a medical man when he attends a patient learns from him all the particulars he can concerning what has taken place?—Yes.

3417. Did you do so on this occasion?—Yes, as closely as I possibly could.

3418. Did you learn the history of this scalp wound?—Yes.

3419. In your judgment, had the scalp wound anything to do with the fever he was suffering from?—I think not.

3420. Did he tell you himself what occasioned his state of health?—He did.

3421. What did he tell you?—He told me he was up a couple of nights going to market, and that he was attending to the water-course, letting water on the meadows, and he got a severe cold.

3422. Did

3422. Did he attribute the state he was in to that?—He did.

3423. Was the state he was in perfectly consistent with his account?—It was perfectly consistent.

3424. Did he ultimately die, as has been stated, of congestion of the brain?—I cannot say; he was labouring under a partial congestion of the brain when I saw him.

3425. Is that a result which may be produced from the state of fever in which you discovered him?—Yes.

3426. Congestion of the brain caused by a blow or a wound would exhibit itself at a much earlier period?—It very often does.

3427. And very rarely does not?—And very rarely does not.

3428. A shaking up of the vessels?—That is not congestion.

3429. What do you call congestion?—The blood not being able to circulate through the bloodvessels.

3430. Sometimes occasioned by outward violence?—No, it is the result of inflammation; a slow degree of inflammation.

3431. In your judgment, would the fever under which you found him suffering account for the way he died?—Yes.

3432. You think that fever, induced by cold, produced the congestion of which he ultimately died?—Yes; that was my opinion.

3433. Is that your opinion still?—Yes.

3434. How long have you been practising as a surgeon?—I have been a surgeon for the last 17 years.

3435. Practising in Ireland, I suppose you know something of these matters?—I have had a good deal of experience in these cases.

Cross-examined by Mr. *Ryan*.

3436. You did not see him until three days before his death?—No, I did not.

3437. And you made no *post-mortem* examination?—No; I was not at the inquest.

3438. Do not you know what the finding at the inquest was?—I could not tell you anything about it.

3439. Have you told us all that he told you that led to it?—I know I asked him.

3440. Have you told us all that he told you?—I cannot say whether I have or not.

3441. Did not he tell you that he got a blow of a stone in the head at Thurles on the polling day?—He did not say from a stone or not; he said he got a stroke from something or other.

3442. Did not he say he left it upon the persons who gave him that blow, that they caused his death?—No.

3443. Did not he attribute the state he was in, to a great extent, to the blow he got in Thurles?—No; as well as I can remember, he told me that the blow he got was so trivial that he made nothing of it at all.

3444. Might he not get a blow of a stone and die of congestion of the brain, that being the primary cause of it, three months after the blow?—No; he would die of congestion of the brain, as far as I can see or ever read. *D. M'Keogh*, Esq. 3 April 1867.

3445. Have you read much upon it?—Yes, and I have made *post-mortems*; they either die of inflammation forming an abscess on the substance of the brain, or of matter on the brain.

3446. Have you read Taylor on this matter?—No; I have made *post-mortems* on several parties who died of injuries of the head, and I invariably found an abscess in the substance of the brain or matter on the brain.

3447. Do not you know that there was an abscess found on this man's brain at the *post-mortem*?—I did not know there was a *post-mortem* at all, or an abscess found.

3448. If there were an abscess found in the *post-mortem*, would not it make a great difference in your opinion?—Yes, if there was a *post-mortem*.

3449. If an abscess were found, it would make a great difference in your opinion?—Yes; it is generally an abscess in the substance of the brain, or matter on the surface of the brain, that they generally die of.

3450. After injury received?—Yes; after a blow received.

Re-examined by Mr. Serjeant *Ballantine*.

3451. I ask you, as a medical man who has read Taylor a long time ago, supposing an abscess arising from a blow, would that commence almost immediately after the blow had been inflicted?—It will be an incipient stage that would commence.

3452. It would then go on progressing, I presume, with intense agony?—Yes.

3453. Could an abscess form in the brain without causing the most intense agony?—No, it would not.

3454. I have read Taylor?—I know you have.

3455. I believe it is one of the most acute things that the human frame can be subjected to?—Very acute.

3456. Did he complain to you, or did he appear to you to be suffering from any of the symptoms mentioned there?—No.

3457. Are you able, from your medical experience upon these matters, to give a strong opinion upon the subject; do you believe he was suffering from any abscess at all?—I believe not; it is my opinion he was not.

3458. Did he complain to you of having suffered any such agony?—No.

3459. As far as your recollection goes, he treated the blow as a trivial matter?—He told me the blow was so trivial he did not mind it at all.

[The Witness withdrew.

William Fitzmaurice Josiah Hort, Esq., was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

3460. Are you a Resident Magistrate in Kilkenny?—Yes. *W. F. J. Hort*, Esq.

3461. Had you anything to do with any of these polling districts?—I was sent to Cashel, and from Cashel I was to proceed to Fethard.

3462. Did you do so?—I proceeded on the Friday, the day before the poll, to Fethard by Mullinahone, which is a detour.

3463. I believe it is at Fethard where it is said some voters were prevented getting on?—I was in charge of the voters from the village of Cloneen, about four miles from Fethard; I went to

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to Cloneen on the morning of poll in consequence of a communication from Mr. Sayers, the acting agent for Mr. Waldron; the voters were detained at Cloneen, and I brought them away, about 11, I think; when we got within half-a-mile of Fethard, we found obstructions built across the road, and it took us about an hour to remove those obstructions, and we got safely through into Fethard.

3464. What time did you get to Fethard?—Half-past one.

3465. Was there plenty of time for them to get to Cashel?—Yes. There was a considerable crowd, and we had to rest, both the troops and horses and everybody, and while they were resting I sent two policemen in plain clothes in each of the two roads going to Cashel to see if there were any obstructions along the roads or any mobs. They came back at half-past two exactly by my watch. I, in company with the head constable, went to the under agent, Mr. Welsh, acting under Mr. Sayers, and told him I was ready to go forward.

3466. Could you have got the voters up to Cashel perfectly easy?—I know nothing to the contrary.

3467. How was it they did not go?—Mr. Welsh said the poll closed at four. I told him the poll closed at five; he said, "No; four." I said, "Well, if the poll closes at four it is useless to go." We could not do it in an hour and a half.

3468. Is it not perfectly notorious that the poll closes at five?—I understood so; it was not my business.

3469. Election agents seem not to know that fact?—Precisely.

3470. The only fact which seemed not to be known to the election agents?—It was a fact he pretended to be ignorant of.

3471. They did not go on?—They did not go on.

3472. You have told us that you told them they might go on with perfect ease?—There was a very great crowd coming down to Fethard, as far as occupying the space in the streets, which dissipated during the time the voters were in the hotel, and I saw no obstruction at that time to prevent them going out. If there had been obstructions leaving Fethard, such as going into Fethard, we could not by any possibility have got to Cashel; that was the reason I sent out.

3473. As there were no obstructions, you reported it to Mr. Welsh, and he could have got up if he had chosen?—Certainly he could, as far as I know of.

3474. Did you tell anybody, in relation to these voters, that you thought that their lives would not be safe if they went any further?—Certainly not.

3475. Is there one word of truth in it?—No. Now I will explain. On arriving at Fethard there was, as I said, a great crowd and an immense noise, and all that sort of thing; there was no actual violence, and some communication did pass between me, I think, and one or two of the voters. I was told about this outside, and I have been trying to ransack my brain. I think I may have made some observation about the impossibility of getting through if such things continued; but to say that there was any danger of their lives, it is ridiculous. I never said such a thing, and could not have said it.

3476. There was none?—No, none. Going into Fethard there was no danger of lives; there was no violence.

3477. There was an obstruction, and walls built?—Yes; I never saw such obstructions before.

3478. But as regards violence there was none?—There was great noise and annoyance.

3479. You never said a word about their lives being in danger, or thought of it?—No.

3480. Whatever you may have said about the obstructions, you afterwards told the agents that they were free to go on?—Yes; I told them to be ready to start, and I gave evidence of this at the Fethard Petty Sessions.

3481. You were examined at the Fethard Petty Sessions?—Yes, and gave the same evidence as now.

3482. Was the election more noisy than most of the general elections?—There was as much noise as there could possibly be in Fethard for the time.

3483. As far as you observed, was there any violence?—No; I saw no violence.

Cross-examined by Mr. *Ryan*.

3484. You say that you saw some very extraordinary obstructions on the road?—Yes.

3485. But, as I understand you to say, in your presence you saw no acts of violence committed?—I witnessed none, and no complaint was made to me.

3486. You had a very strong force with you?—Yes; I had a troop of cavalry of about 30, I think.

3487. Did you hear of a man of the name of Shanahan being struck and knocked senseless near Milestone?—No; I do not think it possible that anything could have occurred while I was escorting.

3488. I did not mean while you were escorting, but at a place some distance from where you were?—I heard nothing about it; it is new to me now.

3489. You would call it an act of violence if such a thing occurred?—Yes.

3490. Describe to the Committee the nature of the obstruction to cross the road?—When we came within half-a-mile of Fethard there were two troopers as an advance guard; they came back and reported the obstruction. I rode forward and I then met a body of constabulary under the command of the head constable; I suppose about a dozen men. I went up to the obstruction and found it was a wall, what we call a loose wall built with loose stones; it was probably four feet high, at a guess. The people were ranged along the side of the road on each side, not actually on the road, but in the fields, and they were laughing, bellowing, cheering, and hooting, and making all sorts of noise. The police which we had with us on the cars came and pulled down this wall; we then found another. In all there were eight walls; the rest of the obstructions were being built nearer Fethard. As we were pulling those which we first met down, and what put a stop to it was, when I saw what they were at, when there was a hole in the wall large enough to push my horse through, I rode as fast as I could up to where they were making the obstruction, and there was a girl who had a stone so heavy she could not throw it. I pointed my finger at her, and I saw some others, and I repeated the same thing at the

next fence; and when there were two or three prisoners made, they did not do any more.

3491. You spoke of eight obstructions; at about what intervals were these; how long space of road did they cover?—I should think probably 70 to 100 yards; not so much. I do not think the first obstruction was quite half a mile from Fethard, and the obstructions ended before we got quite into the town.

3492. You have been endeavouring to recollect, but you have not an accurate recollection of what you may have said to these men in Fethard?—No; but I am perfectly able to swear that, as to supposing I made such a ridiculous speech as that their lives were in danger, I swear I could not have said such a thing.

3493. You might have said, "If any such obstructions as we have witnessed at this place were met along the road it would have been impossible to get into Cashel"?—I very likely may have said it; if so, it was conversational; to say that I officially said any such thing, is nonsense; I do not say that I did.

3494. About half-past two o'clock you looked at your watch?—Yes.

3495. About how long would it take to go from Fethard to Cashel?—It is eight Irish miles, I think: going in heavy laden cars of police, I do not think you could go more than four and a half miles an hour; it might take two hours; that would be a very liberal allowance.

3496. Without any obstruction whatever?—Oh dear, no.

3497. I mean on the road, if you met any barricades?—Yes, of course, if there were any built obstructions. I mean, allowing for slight rows, or anything of that kind, two hours to do eight Irish miles is a most liberal allowance.

3498. There would have been a possibility of your getting there at half-past four o'clock?—Quite easily.

3499. Supposing everything went quite smooth?—Yes.

3500. You were at Fethard petty sessions?—Yes.

3501. I believe you returned a great number of these rioters to Clonmel?—I was a witness.

3502. And on your evidence they were returned?—On my evidence three were returned.

3503. And on the evidence of the police, 23 or 24, altogether?—Yes; those were Cloneen rioters; I think they were only three, I think, sent from Fethard.

3504. Cloneen, 24 or 25?—There were a great many.

3505. Were you at the assizes?—Yes.

3506. Was not the dock at Clonmel perfectly full of them?—Yes.

3507. It is as long as from this to that candle?—You ought to know the dock.

3508. Do you remember the Mullinahone occurrences being reported to you the night before the 19th; do not you remember Sayers?—Sayers reported to me the occurrence at Cloneen.

3509. Did not he report to you the speech of Mr. Strange at Mullinahone?—I do not recollect it.

3510. In fact, there were so many of these cases, you could not recollect it?—I think I have a pretty good recollection. I perfectly recollect Sayers coming to me on Friday evening, and again when I was in bed at half-past five o'clock on Saturday morning.

3511. In consequence of the statement he made to you, did not you send for additional police to Cashel?—I sent for them before he came.

3512. Do not you remember, in consequence of some report made to you by Mr. Sayers of an inflammatory speech in Mullinahone, you sent for additional forces?—No; when I got to Fethard in the afternoon before I saw Mr. Sayers secondly; I saw him in Mullinahone first, and Mr. Sayers called on me in the evening in Fethard; on my first arrival in Fethard I proceeded to the head-constable in charge of the district. I found there were only seven constabulary in Fethard, having previously ascertained there were only two in charge at Cloneen. I thought that this was insufficient, particularly as I would, in all probability, have to take police with me next day. I went to one of the local magistrates, and with his sanction I sent two long cars on to Clonmel, and another to Cashel, for these police, and they were sent there before I saw Mr. Sayers secondly.

3513. Had you, in addition to the 30 Lancers, some of the constabulary there also that day in Fethard?—The only constabulary I had at Fethard, besides those that were naturally there, were those I sent for.

3514. About how many constabulary had you when you passed through the barricades?—I should think probably 20.

Re-examined by Mr. Serjeant *Ballantine*.

3515. My learned friend has examined a good deal about the obstructions; you saw a girl putting up one of these things?—Yes.

3516. You put an end to it; there was no violence towards you or any of your men?—There was no violence at all. There was one stone thrown at me; but the girl was taken. I thought it was more an act of derision than anything else, and as everything went off quietly, I desired the police not to summons her; it was not flung with violence that I saw.

3517. That was the only thing you saw of violence; that was a girl throwing a stone, and you thought that was done in derision?—Yes; I thought so.

3518. The voters got into this place, Fethard?—Yes.

3519. You sent out to ascertain whether there were obstructions upon the other side?—Yes.

3520. Ascertaining, to your satisfaction, there were none, you informed the voters that you were in charge of them, that they might go on?—I did not inform the voters at all.

3521. You informed the person in charge?—Yes.

3522. And he laboured under this remarkable delusion that the poll closed at four o'clock?—Yes.

3523. Was there any application for an adjournment of the poll, or any necessity for it?—No, I was not at the poll at all.

3524. Mr. *Ryan* (*through the Committee*).] There was no polling place in Cloneen?—No.

3525. Nor in Fethard, either?—No.

[The Witness withdrew.

The Rev. *F. Cleary.*

3 April 1867.

The Reverend FRANCIS CLEARY was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

3526. ARE you a Parish Priest?—I am.

3527. You were a supporter of Mr. White at the last election?—Yes.

3528. That was in common with a great number of your body?—Yes.

3529. Have you upon all occasions supported the Liberal candidate?—This is my first time as parish priest that I supported a Liberal candidate.

3530. Do you know Reynolds's public-house?—I do.

3531. At or about the period of the election, were you at this public-house at all?—I had been at that public-house on the morning of the election.

3532. What had you been there for?—For the purpose of seeing the freeholders that were to come in that direction, that they might be with me to Thurles.

3533. Were they the voters for Mr. White?—Yes, they were the voters for Captain White.

3534. Did you do anything whatever to intimidate them, or to induce them by intimidation to vote for White?—No, certainly not.

3535. Had you a whip in your hand?—I had not.

3536. You are quite sure of that?—I had this stick; I had a stick on one part of the day.

3537. You had no whip?—No.

3538. Did you ever brandish a whip, and say, "By this whip, a man who has gone to Thurles shall never come back alive"?—I never made use of any such words.

3539. Or anything to that effect?—No.

3540. To no one?—No.

3541. There is no particle of truth in it?—No; I had no whip, or made use of such language.

3542. At one period you had a stick?—Yes; there were some of the non-electors and boys assembled about, and they wished to go with the freeholders; they were on common cars; one or two of them were unruly, and insisted upon getting on the cars, and I took a stick out of a man's hand, and hit one of the boys.

3543. That is within your clerical capacity?—Indeed, they will bear a great deal of that.

3544. That was to prevent the boys going on the cars to incommode the persons going on the cars?—Yes.

3545. Did you ever say anything about bringing Guider and Fitzpatrick back, dead or alive?—Guider and Fitzpatrick were two persons canvassed by the agent of the Honourable Mrs. Clive, and they all voted, with the exception of Guider, who was sick; and his son, by my directions, went for his father, and he was employed by me to bring the voters to a certain point; and when I found his father was not there, I desired him to go for his father and Fitzpatrick; he found the father ill; he did not go to the election at all, but Fitzpatrick accompanied them.

3546. Did you say anything about bringing them back, dead or alive?—Nothing of the kind; I had no reason for saying that; I knew these persons, independently of me, would vote according to the directions they got from Mrs. Clive's agent.

3547. Mrs. Clive was a supporter of Captain White?—Yes.

3548. So that you knew they were your voters?—Yes.

3549. Did you head any mob that day, and encourage them in acts of intimidation?—I did not; I saw no mob disposed to give any violence that day.

Cross-examined by Mr. *Macnamara.*

3550. You say you did not head any mob that day?—No.

3551. Did you head your party of voters; go at the head of them?—I did, certainly; I accompanied them to Thurles.

3552. And went at the head of them?—Yes; they were on common cars, and I was on a sort of a carriage with some of the voters.

3553. And took them up to the polling booth?—Yes.

3554. You were at the meeting of Dr. Power, the Bishop of Killaloe, on the 9th of October?—Yes.

3555. And a party to the resolutions that were passed?—Yes, I signed that resolution.

3556. You say you were in favour of Captain White?—Yes.

3557. I believe the whole body of the Roman Catholic clergy were in his favour?—I can say for the diocese to which I belong.

3558. And, as far as you know, the whole body of Roman Catholic clergy in Tipperary?—Yes, certainly.

3559. On the Sunday before the election, did not you address your congregation from the altar on the subject of the election?—Yes, I may have said something on the subject of the election.

3560. From the altar?—Yes; it was to mention that the election was to take place; it was unnecessary for me to ask; I knew those who would vote for Captain White, and those who would not, and those who would vote for Captain White, and those would vote for Waldron; I knew who they were, and I can swear solemnly I never interfered with one of them.

3561. You thought it advisable to mention the subject from the altar on Sunday, the 14th of October?—Yes; that it was my wish that they should vote for Captain White.

3562. I believe you have two curates also?—I have one curate.

3563. On the 14th of October last had you two curates?—One.

3564. Did your curate also address the congregation on the subject?—I do not think he did.

3565. Just try whether he did not?—I certainly do not think he did.

3566. You are not positive?—I am not positive; my curate is a very young man, lately ordained; he did not interfere with anything of the kind, and did not know the parish.

3567. On the polling day you say you were at Reynolds's public-house?—Yes.

3568. About how many people were there with you?—There were assembled there for the purpose of seeing the freeholders coming from Roscrea; they were attracted by others, who were accompanied by dragoons and lancers.

3569. Should we be far wrong in saying that there were from 200 to 300 persons at Reynolds's public-

public-house?—Yes; 20 men, and twice that number of boys, girls, and children.

3570. You do not think more than that?—I do not think there were more than 20 men.

3571. Forty women and children?—Yes; boys and girls.

3572. You know Robert Pratt?—Yes.

3573. Did you see Robert Pratt pass on that day while you were there?—I cannot recollect.

3574. Did you see him drive by?—No, I do not recollect that.

3575. Did you see him walking by?—I could not recollect; I saw all the electors going with the escort, and I could not say but that he was with them that passed by.

3576. While you were at Reynolds' public-house you saw some persons pass by whom you knew to be supporters of Mr. Waldron?—I knew they were supporters of Mr. Waldron.

3577. When they passed by, knowing them to be the supporters of Mr. Waldron, did not you make an observation?—I walked into Reynolds' house before they came up.

3578. You saw them pass by?—I saw them pass by from the door inside.

3579. Did you make an observation when they passed?—None.

3580. You are positive?—Yes; I made no observation when the escort went by with Mr. Waldron's electors; I say not; when they were coming up I turned into Reynolds' house, not to be present when they passed at all; there was neither shouting nor violence, nor anything offered to them.

3581. I understand you to say that you did send the son for Fitzpatrick and Guider while you were at Reynolds' public-house?—On the road, a little from Reynolds' house, I met Guider, who was in another district collecting the electors; and one of the persons appointed by me to bring the voters to this place, went and joined Mr. Waldron's party, and did not appear at all for me; the electors that I expected were not coming, and amongst the number was his father and a man of the name of Fitzpatrick, who lived next door; he immediately got on his car and drove to his father's house, and he met Fitzpatrick on the way, coming, a good distance from the house, and found his father so ill he could not come.

3582. Did you on this day, either at Reynolds' public-house, or near there, send some person to fetch Fitzpatrick and Guider?—I did; his son.

3583. Do you say they were both ill?—His father was ill; the father of Guider was ill.

Re-examined by Mr. Serjeant *Ballantine.*

3584. Guider and Fitzpatrick were voters for you?—Yes.

3585. I want to know this: you say you went up with these voters; is it not usual in your country for the priest to go up with the voters from the different districts?—Exactly so.

3586. Has it been usual on the other side for the agents of the landlords to do so?—For the agents of the landlords to go with the electors?

3587. Yes?—Generally the agents themselves accompany them.

3588. With reference to the body of electors generally, especially those who vote liberally, I suppose most of them are of a very humble class?—Yes, poor people.

3589. Practically, if they were left to come up separately, one by one, would it be possible for them to get to the polling places?—I do not think they would.

3590. Is the mode adopted on both sides for persons of influence, whether priests or otherwise, to bring up the voters?—Yes.

3591. To collect the voters, and come up with them?—Yes; the voters, in some instances, would not go without the priest being with them; some of them are very old and very infirm.

3592. You have, of course, given them advice; have you ever threatened or offered any intimidation to induce the voters to come up?—Never.

3593. In your life?—Never.

3594. You say, in your congregation you knew those who would vote for White and those who would vote for Waldron?—Yes, indeed I did; perfectly well.

3595. Was it from the fact of whose tenants they were?—Exactly so.

3596. As a matter of practical fact, most of the tenantry are tenants simply at will?—Generally speaking.

3597. During the whole you saw of that election, was there any intimidation or violence used to your knowledge?—Certainly not.

3598. One hardly knows what it means; it is charged against you that you have exercised spiritual intimidation?—I never did.

3599. Have there been any threats of future punishment or any ecclesiastical censure to those who have voted against you, to your knowledge?—Not by me.

3600. Or with your authority?—Nor with my authority, nor to my knowledge.

3601. If there were, would it be contrary to all that was directed by your archbishop?—It certainly would be contrary.

3602. And contrary to the statutes that are well known to all clergymen that regulate the clergy throughout the kingdom?—Certainly.

3603. Violence of every kind being forbidden by the Church?—Always.

3604. Mr. Waldron, we understand, is a member of your persuasion, and Mr. White is a Protestant?—Yes.

[The Witness withdrew.

Adjourned to To-morrow, at Eleven o'clock.

Thursday, 4th April 1867.

SIR PHILIP GREY EGERTON, IN THE CHAIR.

Reverend JOSEPH MAGRATH was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Rev. *J. Magrath.* 4 April 1867.

3605. YOU are the Parish Priest, of where?—Of Silvermines, near Nenagh.

3606. Did you bring up the voters who desired to poll for Captain White?—Yes.

3607. How many were there?—Forty-one entirely; but about 36 accompanied me.

3608. Thirty-six accompanied you?—Yes.

3609. How did they come up?—In cars.

3610. Were they accompanied by other people?—Yes, by some of their friends and neighbours.

3611. The distance is not very great?—Something about five miles, rather less.

3612. How did they conduct themselves?—Most peaceably and orderly.

3613. Did you use any language, or make use of any observations tending to excite them?—None whatever; quite the contrary.

3614. A gentleman of the name of Anderson has stated that you were accompanied by about 200 or 300 people?—I would hesitate to say that it exceeded 100 voters, friends all included.

3615. Had they sticks in their hands as a general rule?—No, very few.

3616. Did they vote?—They did.

3617. Did they interfere with any of the voters upon the other side?—No interference whatever, not of any description.

3618. Did you say one single word to induce them to do so?—Not a single word; I would, on the contrary, have prevented it, if I had seen any necessity, as far as I could.

3619. How long were you in Nenagh yourself?—I was there until four o'clock.

3620. From what time?—From shortly after nine o'clock.

3621. Shortly after nine until four o'clock?—Yes.

3622. Did you see any rioting?—Not the least. I heard some had occurred.

3623. You heard some had occurred, but you witnessed none?—None.

3624. During the whole of that day did they, to your knowledge, interfere with any of the voters for Mr. Waldron?—Not at all.

3625. You are one of those who are charged with having exercised spiritual influence to control the electors; have you used any influence to control them?—None whatever. And if you will allow me, I will corroborate it. Lord Dunally is an extensive proprietor in my parish, and he intimated his wishes, that it would please him if his tenants supported Captain White. Through the influence of a sub-agent, four of my parishioners, who are electors, voted contrary to the wishes to Lord Dunally, and I never made it the subject of any observation whatever.

3626. Four of his voters voted contrary to the wishes of Lord Dunally, and you never interfered?—No, I made no observation whatever.

3627. Did you know they were going to do so?—I apprehended they would, I was told so.

3628. You had been so informed, and you never interfered at all?—Not at all, to use any spiritual intimidation. I expressed a wish that they would vote as Lord Dunally had directed, but used no threat or intimidation of any description whatever.

3629. You have not done anything since in any way?—No.

3630. Who was the sub-agent you mentioned?—A Mr. Comerford.

Cross-examined by Mr. *Ryan*.

3631. You say there were 36 voters came in with you?—Yes.

3632. Mr. Serjeant *Ballantine*.] Were there any Roman Catholic clergy at Nenagh that day?—A great many.

3633. Did you see any of them leading mobs, or exciting the people?—I saw no such thing.

3634. Mr. *Ryan*.] You say 36 voters, and you would hesitate to say that there were more than 100?—Yes.

3635. But if a person like Anderson would swear there were nearly 200, would you undertake to contradict him?—Yes, most positively.

3636. There were 100, both voters and friends?—Yes.

3637. What do you call friends?—Relatives, strictly speaking; some were relatives, others neighbours.

3638. Did the friends come in to see the other friends vote?—Yes.

3639. And in the proportion of about 70 to 36?—Indeed I do not know, there was no studied proportion.

3640. Double the amount of friends went in as voters?—There was nothing preconcerted, whether it was double or treble.

3641. I do not ask about preconcert; I only want facts; had some of the friends sticks?—Very few.

3642. Some of them had sticks?—I really could not say; I saw three sticks there might have been, but they did not attract my attention.

3643. There might have been none, and there might have been 70; will you undertake to say many of them had not sticks in their hands?—I do think some of them had.

3644. To protect Mr. White's voters, they ran such risk?—No, we had no reason to apprehend any violence.

3645. You saw no rioting?—No.

3646. You did not see a gentleman knocked down by the blow of a stone, in the middle of the dragoons, up by the Court-house?—No; I heard a stone had been thrown. This was after the election, and my parish had voted. I immediately went out with the object of ascertaining whether this continued, and to use any influence I had to prevent it.

3647. Did you attend a meeting of the clergy in the Killaloe district?—Yes.

3648. You

3648. You were one of the gentlemen who signed the requisition?—Yes.

3649. And undertook to use your most strenuous efforts to secure the return of Captain White and the rejection of Mr. Waldron?—Every lawful effort.

3650. I use the words of the document you signed; there are not the words "lawful effort" in the document?—Quite so.

3651. Did you say anything of the subject of the election in your chapel on the 14th?—I did.

3652. Did you speak in the chapel, or in the chapel yard?—I spoke in the chapel.

3653. And you made reference to the coming election between Mr. Waldron and Mr. White?—Yes.

3654. I suppose, whatever you said was favourable to Captain White?—Yes, indeed.

3655. And not favourable to Mr. Waldron?—No.

3656. Is it not contrary to the statutes to speak in the chapel upon secular matters?—No; this was, if secular, partly religious and spiritual likewise.

3657. Was not it contrary to the statute, and the directions of your bishop, to mention the names of an individual in reference to the election?—No, not contrary to the statutes.

3658. It is not contrary to the statutes?—No.

3659. Therefore, if anybody said that it was he must be labouring under a mistake?—At least, I never understood it was so.

3660. Therefore, you did not think of going out into the chapel yard; you spoke from the altar?—Yes.

3661. If it was contrary to the statute to speak upon secular matters to all the individuals in the chapel, I ask you, do not you think it is a mere evasion of the statute to go out into the chapel-yard to speak of them?—I do not know; I never contemplated the case.

3662. I would like to have your opinion upon the subject?—If there were a statute made by my bishop I would observe it strictly.

3663. Would it not be a mere evasion of the statute, which directs you not to speak of those matters in the chapel, if you went outside, into the chapel-yard, and spoke of them?—I do not think it is.

Re-examined by Mr. Serjeant *Ballantine*.

3664. That is your opinion, that you were acting in accordance with the directions of your church. In your opinion, have you acted contrary to the statutes or contrary to your duty as a clergyman?—I have not. It may be well for me to observe, I am not a subject of the Archbishop.

Rev. *J. Magrath.* 4 April 1867.

3665. You are not in his diocese at all?—No.

3666. Is it usual in general elections for the friends and relations of the voters to accompany them to the poll?——

Mr. *Ryan* objected to the question.

Mr. Serjeant *Ballantine* was heard in support of his question.

The *Chairman* stated that the Committee were of opinion that the question could be put.

3667. Mr. Serjeant *Ballantine*.] Is it usual for the friends and relations of the voters to accompany them to the poll?—Always usual.

3668. I suppose, in point of fact, it is a bit of a holiday?—Yes.

3669. Sometimes the wives insist upon going?—Yes; and went on that occasion.

3670. You say, you spoke in the chapel, as far as you can recollect; tell us, whether right or wrong, exactly what you said?—I spoke to this effect: I said it was my opinion that Captain White would more faithfully represent the county Tipperary; that the other candidate, Mr. Waldron, had renounced his former party and his former principles, and that, as for me, I would have more confidence in the future, as to the exertions made by Captain White, if he were returned the representative of Tipperary. I also referred to a matter that is vitally important in Ireland, the tenant-right question. I said I was not acquainted personally with Captain White, but from his manly straightforward address I expected very good things from him. But there was another consideration, which interested me most of all, that is, that his father was one of the best of landlords, and, so far as I could ascertain, a father to his numerous tenantry. This is a matter which is very important to you, my friends; you have the power to elect a member for Parliament, and, if you agree with me, I think you ought to support Captain White.

[The Witness withdrew.

The Reverend Eugene Malone was called in; and, having been sworn, was Examined by Mr. *Hackett*, as follows:

3671. What is the name of your parish?—Clongbriar, Muntsay, and others.

3672. What polling district is this in?—Nenagh.

3673. Do you remember the day of polling in the last Tipperary election?—Yes.

3674. Did you proceed to Nenagh on that morning?—I did.

3675. Whom were you accompanied by?—Voters, and some country people with them.

3676. About how many voters had you with you, coming into Nenagh?—Between 30 and 40, and in all about the same number of persons that accompanied them for amusement and curiosity.

3677. What time did you reach Nenagh?—I should think about 10 o'clock.

Rev. *E. Malone.*

3678. Did you proceed to the polling-booth?—I did immediately.

3679. Did you see, as a matter of fact, any rioting in Nenagh on that day?—Not the least; and we met with some of the voters belonging to Mr. Waldron, and not a word or an act was said the least offensive to them; we passed quietly by, even when there was not constabulary by, or a soldier; as a proof that I did not see any rioting, when we were coming in, within a mile of the town, where there was not a policeman or a soldier, we came up with Mr. Waldron's supporters, and there was not a word or act offensive offered to them.

Rev. *E. Malone.* 4 April 1867.

3680. Did you ever exercise any spiritual influence in your parish to get the electors of that parish to vote in any particular way?—Not the least, and for this reason: I was not well; I only sent my compliments to the Protestants or Catholics; we had some Protestants with us too.

3681. Did you ever seek to influence any of your electors to vote either for Captain White or against Mr. Waldron?—No.

3682. Did you head on that day a riotous mob?—No, they could not be riotous from the way they met Mr. Waldron's voters.

3683. Had some of those voters that accompanied you on that day permission from their landlords to vote, as they did vote, for Captain White?—I think they had the permission of Mr. Fox, in the North.

Cross-examined by Mr. *Macnamara.*

3684. Did you address your congregation in the chapel on Sunday, the 14th of October, about the election?—I am not aware at present that I did, but I was there, and it is probable I might have said something about the election, how it should be conducted.

3685. On the Sunday before the election?—Very probably.

3686. From the altar?—Yes.

3687. Did you mention the names of Captain White and Mr. Waldron?—I am not aware I did.

3688. You may have done so?—I may have said I should vote so and so myself, because I should think it was the interest of the people to do so.

3689. Did you also canvass for Captain White before the election?—No.

3690. Not at all?—I was not well; I could not go.

3691. Did you send your curate to canvass for you?—I do not think I did; probably he was willing himself to go.

3692. You know that he did go?—I could not be positively sure of it; he might have met, in discharge of his duty, people along the road, and spoken to them.

3693. Did your curate go or not canvassing for Captain White?—I am not positively sure whether he went expressly for that purpose, but in the discharge of his clerical duty, going along the road and meeting people, it is very probable he solicited them for Captain White.

3694. Did you attend some of the meetings of Captain White's committee?—No.

3695. Not of any of the committees?—Not one, to my knowledge.

3696. Were you present at any meeting of Captain White's friends or voters when there was a discussion about Mr. O'Ryan and Mr. Kennedy?—No, I was not.

3697. You did not hear their names mentioned?—No, I was not there at all.

3698. Are you quite positive?—Yes.

3699. You did not see any riot on the polling day; you heard of some rioting?—I did at the polling; I heard of it, but I did not see it.

3700. Did you remain the greater part of the day in the polling booths?—I did; with the exception of coming out a few minutes two or three times, I stopped till the election was over.

3701. What were you doing in the polling booth all that time?—I wanted to poll myself, in the first place; and, secondly, I wished that the voters from my place would be allowed to get into the polling booth, because there was a great difficulty in getting in there; it was thronged.

3702. Do you remember on that day a voter coming up and saying that he would vote for Mr. Waldron, and your going up to him and speaking to him upon the subject at the booth?—I do not.

3703. You know Mr. M'Heagan, the attorney?—Yes.

3704. Did you not have an altercation with him upon that subject?—I will tell you the altercation I had with him, if it was an altercation; I was coming from one booth to the other, and I was told some gentlemen in the place were trying to kidnap my voters and take them over to Waldron, and they pointed out one; I went up the steps, and touched him on the shoulder, and the moment he saw who it was he went away; I saw a voter being taken up the steps into the booth, the gentleman trying to get him away from White. I tapped him on the shoulder, and said, "Where are you going to?" he held his tongue, and said nothing, and the gentleman who was taking him away slunk off, and then when the voter went in, Mr. M'Heagan tried to interfere with him. I said I would complain of him; it was not his business to interfere with any voters.

3705. Mr. M'Heagan complained that you were interfering with the voters?—I complained he did not.

3706. Did not he say so?—No, he did not say so.

3707. About how many other Roman Catholic clergymen were in the booth besides yourself, could you say?—I recollect seeing one for some time.

3708. About how many did you see there on that day?—If I saw two there, it is the most; if there were two there, it was the most, for a very short time.

3709. Were any of the Roman Catholic clergymen of the district absent, to your knowledge, from Nenagh on that day?—Absent; do you mean parish priests?

3710. Parish priests?—I do not recollect that there was.

[The Witness withdrew.

The Rev. Francis Studdart was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Rev. *F. Studdart.*

3711. Are you a Clergyman of the Established Church?—I am.

3712. And a Rector of some parish?—I am Rector of Ballysecan, in the North Riding of Tipperary.

3713. Were you at the last election a supporter of Mr. Waldron?—Yes, I recorded my vote for Mr. Waldron.

3714. For that purpose you had to go to Nenagh?—Yes.

3715. What time did you get to Nenagh?—I should say between 11 and 12 o'clock.

3716. What time did you leave?—I left between 10 and 11.

3717. What time did you leave Nenagh again?—I left Nenagh, I should say, about three o'clock.

3718. So

3718. So that you left Nenagh at three or four o'clock altogether?—Yes.

3719. Had you any difficulty in recording your vote?—Not the slightest.

3720. While you remained in Nenagh, did you see any intimidation exercised towards anybody?—No, I saw none.

3721. Did you see any voters whatever on your side of the question prevented from voting?—Not one.

3722. Or attempted to be, or obstructed?—Not in the least.

3723. From your parish were there voters coming up at the same time as you were from your parish?—Yes; some recorded their votes with me from the parish.

3724. About how many?—Perhaps six or eight.

3725. The word has been used "taking charge;" did they accompany you?—No, I went in by myself.

3726. Were you aware that they were coming in?—I was; the reason I was aware was that I passed them on the way.

3727. Were any of them interfered with at all?—No.

3728. You have known other elections before this in Ireland?—Yes; I have recorded my vote in Clare two or three times.

3729. Was there anything in the conduct of this election more violent than others you have witnessed?—Certainly not, as far as I know.

3733. You do not hide your vote; it is pretty well known which way you vote?—There is not the least mistake about it.

3731. That being so, I believe you were walking about the town two or three hours?—Not between the Court-house and the station place. I left the Court-house very shortly after I recorded my vote.

Rev. *F. Studdart.*

4 April 1867.

3732. Did you meet with the slighest molestation either before or afterwards?—Not the slightest.

3733. Did you see any of the Roman Catholic clergy heading mobs or inviting violence of any kind?—I saw none exciting the least violence, but I saw some standing on cars with men that were going in to vote.

3734. Not in any way whatever exciting them or leading mobs, or inciting acts of violence?—Not the least.

Cross-examined by Mr. *Ryan.*

3735. Did you see Mr. Speight struck?—No.

3736. Have you any doubt that he was struck?—I think he was struck.

3737. Have you any doubt?—I cannot have the least doubt that he was struck.

3738. Do you know Mr. Pike of Cloughjordan?—Yes.

3739. Have you any doubt that he was struck?—I never heard he was struck.

3740. Then your evidence is that where things were going on quietly, they were going on quietly?—Yes.

Re-examined by Mr. Serjeant *Ballantine.*

3741. You only profess to give evidence of what you saw and what you heard, and not of your dreams or fancies?—Yes, that is all.

[The Witness withdrew.

The Reverend JOHNATHAN CHRISTOPHER HEAD was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine,* as follows:

3742. ARE you Rector of the parish of Dalgraes?—I am.

3743. How long have you been so?—Ten and a half years.

3744. Did you vote at the last election?—Yes.

3745. You voted for Mr. Waldron, did you not?—Yes.

3746. And recorded your vote at Nenagh?—Yes.

3747. What time did you get in in the morning?—I think it was something like 12 o'clock.

3748. You had to come 13 miles?—Yes, 13 Irish miles.

3749. In your passage up, did you see many voters coming up?—Yes, we did.

3750. On both sides?—Yes.

3751. In your passage up to Nenagh, did you notice any obstruction to any voters, or any violence towards any of them?—None whatever.

3752. When you got to Nenagh were you able to record your vote?—Yes, there was a great crowd.

3753. Had you to pass through the crowd?—Yes.

3754. Had you a difficulty in doing it?—None except being much crushed.

3755. You, from your dress, were obviously a clergyman of the Established Church?—Yes.

3756. And well known?—Yes.

3757. Was there any intentional violence towards you?—None whatever.

3758. Not to any living being?—None.

3759. Did you see any intentional violence to anyone on that day?—I saw the marks of it. I saw a man with his head cut, a gentleman.

Rev. *J. C. Head.*

3760. You saw one man with his head cut?—Yes, just after getting a stroke, as I was coming out of the polling booth.

3761. With the exception of that, did you see anything?—No, except a great deal of hooting by women, and all that sort of noise.

3762. They left you you in peace?—Not one touched me, or spoke to me, or interfered with me in any way.

3763. Not one touched you, or spoke to you, or interfered with you in any way?—No.

3764. Did you see other voters for Mr. Waldron go up?—Yes.

3765. Were they allowed to go quietly?—Yes.

3766. There was no more obstruction to them than to yourself?—No.

3767. And you remained in the town some two or three hours?—Yes.

3768. I have not the least hesitation in asking you the question; I suppose you saw several Roman Catholic clergymen there?—Yes.

3769. Did you see any of them committing acts of violence or intimidating them?—I saw none of them committing any acts of violence whatever, but I saw a clergyman at the booth; I cannot say what he was doing, whether he was intimidating or not.

3770. You saw him at the booth?—Yes; he appeared to be standing ushering in voters, as well as I could see.

3771. He stood ushering them in?—Yes, ushering them in.

Rev. *J. C. Head.*

4 April 1867.

3772. As to acts of violence, did you see any?—None; I did not see any.

3773. Or were they leading any mob?—No.

3774. Did you see anything of the kind during the time you were there?—I saw nothing of the kind.

Cross-examined by Mr. *Macnamara.*

37775. You and your family are extremely popular in that district?—That is my opinion.

3776. Is your father an elderly gentleman, well known and highly popular?—That is what I believe.

3777. You say you saw a gentleman with his head cut, and did you also see on that occasion Mr. Speight?—I did not see Mr. Speight.

3778. You did not see Mr. Thomas Speight?—No, I only heard of the fact; I only saw the one person I mentioned myself.

3779. You heard of acts of violence on that day at Nenagh?—With regard to Mr. Speight, yes.

Re-examined by Mr. *Serjeant Ballantine.*

3780. You say your family is popular in the neighbourhood?—Yes, that is my own opinion.

3781. That being so, you find the neighbours kindly to you, and not using any violence?—Yes, indeed I do. I have always experienced that from them.

3782. Are you upon perfectly good terms with the Roman Catholic clergy?—Perfectly.

[The Witness withdrew.

Mr. John Francis Cruise was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine.*

Mr. *J. F. Cruise.*

3783. Are you Sub-inspector of the Constabulary at Nenagh?—At Newport, in the county Tipperary.

3784. Were you on duty at Nenagh on the day of polling?—Yes.

3785. Were you there from eight in the morning till seven or eight in the evening?—From a little before seven in the morning till a quarter before eight in the evening.

3786. From your position, you have seen many elections?—Yes.

3787. I will ask you, you having an opportunity at Nenagh of observing, was this peaceably conducted or not?—With one exception it was; I saw no disturbance but one.

3788. Was that Mr. Speight?—There were some stones thrown at two o'clock in the day, as the voters were being escorted from the railway to the hotel; they were thrown over a wall.

3789. You do not know by whom?—No; I saw boys going over the wall.

3790. And then you saw some stones thrown?—Yes.

3791. Was there anything like a general riot or a general disturbance?—Not that I saw on that day.

3792. There were several Roman Catholic priests there?—Yes, I saw some.

3793. Were they leading any mob or conducting any riot of any kind whatever?—I did not see them do so; I saw them going with voters.

3794. That you have seen at every election?—Yes.

3795. I take it for granted that these voters came in with their priests from their parishes; other voters came in with the agents?—Yes.

3796. It has been universal, as far as you know, in Ireland?—Yes.

3797. No excitement on the part of any of the priests?—Not that I saw.

3798. You saw voters both for Waldron and White come up?—Yes.

3799. And pass through the town?—Yes.

3800. Were they obstructed or molested in any way whatever?—No, except at the time of stone throwing.

3801. By the *Committee.*] Was that the party under escort?—Yes.

3802. Were they always under escort; there were some without escort?—I think so.

3803. Were they interfered with, or were there any attempts to interfere with them?—I did not see any except this case of stone throwing; I saw no obstruction.

3804. Mr. Serjeant *Ballantine.*] I understand you to say that, with regard to the stones, just before they were thrown, boys jumped over the wall?—Yes.

3805. Do you mean boys of 25, or younger?—That age and younger.

3806. Did it continue for any time, the stone throwing?—It was all over in two minutes.

3807. One of the Honourable Members asked you about the escort; has it been usual always to have voters escorted, as far as you know in Irish elections?—Whenever it is apprehended they will be prevented from going to the poll.

3808. Was there any drunkenness or drunken rows on that day?—I did not observe any.

3809. In your judgment, was it a perfectly peaceable election at that place?—I was never in my life at a more peaceable election.

Cross-examined by Mr. *Ryan.*

3810. You said there was no rioting; what is rioting?—Persons assembled together, and in a violent way obstructing people from doing what they legally and lawfully may do.

3811. Do not you think a parcel of fellows throwing stones at a number of persons, two or more, going up peaceably to vote, amounts to a riot?—Decidedly.

3812. Then, there was a riot?—Yes; so I said all through.

3813. You did not see any escort for Captain White's voters?—I cannot tell you; I did not know one voter from another.

3814. Was there not an immense force in Nenagh on that day?—Yes.

3815. An immense force?—Yes.

[The Witness withdrew.

The Reverend JOHN SCANLAN was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

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3816. YOU are the Parish Priest of what place?—Toomavara.

3817. Did any voters come up with you to Nenagh on the polling-day?—There did.

3818. To what number?—I suppose about 70.

3819. Were there others accompanied them?—There were.

3820. What would be the number altogether?—Within 100, I should say.

3821. Within 100 altogether?—Yes.

3822. Were they armed in any way?—No, not that I should say armed.

3823. Had they bludgeons with them?—Very few had walking-sticks, probably a dozen.

3824. Were they guilty of any interference with Waldron's voters, or did you recommend them to do so?—Not the slightest, nor had I the most remote notion of doing so.

3825. They did not do so?—They did not do so actually.

3826. I believe you were very particular that there should be no drink given?—I did not give any drink, or order any.

Cross-examined by Mr. *Ryan*.

3827. Were you at the nomination?—I was.

3828. Did you propose or second Captain White?—I seconded his nomination.

3829. Do you remember the Reverend Mr. Kenyon, the Roman Catholic clergyman, endeavouring to speak in Mr. Waldron's interest?—Yes.

3830. Did you tell him he was a ruffian?—I did not.

3831. Did you not tell him he was a disgrace to his cloth?—I did not use that expression.

3832. Did not you use words to that effect?—It did not mean so much at all.

3833. Not quite so much?—No; I told him he was an intruder on the scene; he was not an elector, and he ought not to be allowed by the sheriff to interfere with the proceedings.

3834. Did you shake your fist in his face?—No, nor in any other man's face.

3835. Your opinion is, that no other Roman Catholic clergyman who is not an elector has any business to interfere?—I thought so.

3836. That is your opinion still?—In that particular place, at the nomination, to make a speech.

3837. Unless he happen to be in Mr. White's interest?—Unless he was constitutionally privileged to speak there.

3838. Are there a great many curates in the county who have no votes who supported Mr. White?—I think so.

3839. You think it was no disgrace to them?—I do not think it would be great impudence if they were to occupy the court-house at the nomination to tell their opinions.

3840. Did you see any curates at the nomination who had no votes?—I dare say I did, but I did not observe them particularly.

3841. You did not rebuke any of them?—No; I rebuked Mr. Kenyon because he and I were old friends, and I thought he was acting unseemly.

3842. Therefore you could take a liberty with?—Yes.

3843. You were at the Thurles meeting too?—Yes.

3844. Were you engaged with Mr. Kilkelly, who prepared the circular?—No.

3845. Did you see it at all before it was printed?—No.

3846. You knew of it?—Not before it was printed.

3847. Were you at the Bishop of Killaloe's meeting?—Yes.

3848. Are you in his diocese?—Yes.

3849. Were you in your chapel of Toomavara on Sunday the 14th?—I daresay I was; I do not remember the exact date.

3850. Were you in your chapel of Toomavara on Sunday the 14th?—I do not remember that Sunday was the 14th; I presume I was there.

3851. Were you there or not?—I believe I was.

3852. Were you in the chapel of Toomavara on Sunday the 14th, the Sunday before the nomination?—I believe I was; I think so.

3853. Were you?—Let me say I was; I say it with the utmost candour.

3854. You were there on Sunday the 14th?—I must give you the same answer; I believe I was.

3855. You are not sure?—I would not swear it, because I did not take note of the date.

3856. Because you did not take note of the date you cannot tell me whether you were there on Sunday the 14th or not?—I will admit it for your purposes.

3857. It is the purposes of truth I want?—There is not any mistake.

3158. I will ask you once more, were you in the chapel of Toomavara on Sunday the 14th of October?—I believe I was.

3859. That is all you will say then?—Yes.

3860. Did you address the congregation from the altar?—I think I did.

3861. In reference to the coming election?—Yes.

3862. Did you speak in favour of Captain White?—Yes.

3863. And against Mr. Waldron's claims?—As a matter of course.

3864. Did you speak against Mr. Waldron?—I did; I could not speak for Captain White without speaking against Mr. Waldron.

3865. That is your argument?—It is a plain fact.

3866. Did not you mention Mr. Waldron by name?—I do not know that I did.

3867. Will you swear you did not?—I will not; but I do not think I did.

3868. Is it not contrary to the statutes of your church to mention persons by name from the altar on Sunday?—It is, in any disparaging way.

3869. Or upon any secular subject?—No; many people cannot be spoken of from the altar in recommendation for their charities or for the edification of the people.

3870. Could you, according to the statutes of the church, have spoken on that day, according to the rules of the church, in favour of Mr. Waldron; could you, according to the rules of the church, on that day have spoken, under the circumstances, in favour of Mr. Waldron?—I could,

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could, consistently with the rules of the church, as far as they are known to me, have said that there were two candidates for the county; that they should consider the claim of both, and vote for them according to their conscience and truth, without fear or intimidation,

3871. Do you think that is an answer to my question?—Yes, I think so.

3872. Do not you know that, according to the rules of the church, if a majority of the clergy accept a candidate none of the minority could speak in favour of him?—I do not know any such rule in the church; it might be in a particular diocese then and there adopted, but it is not a rule of the church; for instance, I opposed Mr. Waldron, against the opinion of my own bishop, at his first election.

3873. Whatever you did say you said from the altar?—No; we held a meeting in the chapel yard afterwards.

3874. Did not you speak from the altar on the subject?—I think I said something; I confined myself to mere things that took place, but afterwards we had a public meeting in the yard.

3875. The yard surrounds the chapel?—Yes.

3876. Did you, before the congregation dispersed, tell them to meet you in the yard?—Yes.

3877. That you were at liberty to speak more freely of the election?—Yes.

3878. When once you got outside the sacred door?—Yes.

3879. I suppose around the chapel yard is consecrated ground?—I should think not; it is a very old place, but I do not know whether there might not have been consecration in former times.

3880. What do you think?—I do not think so.

3881. Are there people buried there?—The burying-ground is bounded by a wall on one side; the late parish priest is buried in the chapel yard.

3882. Would you have buried the late parish priest in the chapel yard if it were not consecrated ground?—I am not able to say what the opinions were then; they buried him 60 years ago, or near it.

3883. What is your belief as a clergyman?—I cannot form any belief upon the subject.

3884. You say you cannot form a belief?—If a mere opinion were to hazarded, I believe they did not consecrate it for that purpose.

3885. I ask you for any purpose; do not you believe that that ground must have been consecrated, or they would not have buried the Roman Catholic clergyman of the parish in it?—I rather think it was not.

3886. How long did you speak on the subject from the altar?—Probably 10 or 15 minutes.

3887. How long did you speak in the chapel yard?—I spoke at intervals; we had a regular chairman, and other speakers, and all the time I was speaking might be, if put together, half-an-hour.

3888. A regular chairman, and a number of speakers in the chapel yard?—Yes.

3889. Have you freely spoke in favour of Captain White and against Mr. Waldron?—If you mean freely what I thought seeming and proper, I did; if you mean to say I indulged in all manner of language, I did not.

3890. You spoke freely?—Candidly.

3891. Had you a list of voters in your parish?—I took down a list the evening before.

3892. Had you a printed list of voters?—I think I had not.

3893. Will you swear you had not?—What I would say upon that occasion is, I think I got a list, and left it in the next town, and did not bring it to my house.

3894. Did not you get it from Mr. Power?—I daresay it was in my possession; it did not come to my house; we searched for the list in the house, and did not find it.

3895. Did not you get a list from Mr. Power, Mr. White's conducting agent?—I got it from some person, a director of the election.

3896. Did you read out from that list the names of some of the voters at the meeting?—No.

3897. Or from any list?—No.

3898. Were they called out by anybody in your presence?—No.

3899. Or mentioned?—No.

3900. Had you any list in your hand at any time during the meeting?—No.

3901. Had your curate?—No.

3902. Had not you or your curate a list of the voters during that meeting?—I cannot answer for the curate; I did not take a list of the voters from the book.

Re-examined by Mr. Serjeant *Ballantine.*

3903. Whatever your address may have been, did you encourage, or countenance, or advise any violence or intimidation of any kind?—On the contrary, I repudiated every such proceeding to carry the election.

3094. Did you use any influence of a spiritual kind in the way of threats to affect the election?—I told the people, that having formed their opinion in their own minds as to the eligibility of one before the other, they should act upon it under the pain of committing a sin; that they should act from truth and not from terror.

3905. Having formed their opinion upon it, they ought to act from truth, and not from terror; terrorising ought not to influence their votes?—Yes.

[The Witness withdrew.

MARTIN JOHN O'CONNELL, Esq., is called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine,* as follows:

M. J. O'Connell, Esq.

3906. YOU are pretty well acquainted with the county Tipperary?—Yes, for the last three or four years.

3907. I believe your wife is the daughter of a large landed proprietor there?—Of a landed proprietor.

3908. You were formerly in his house before?—I had that honour some years.

3909. Were you in Tipperary during the election?—Yes; on the nomination day, and the polling day in the county Tipperary.

3910. Where were you on the polling day?—In Cashel.

3911. You have seen a good many elections?—I have.

3912. And have heard of a good many more?—Yes.

3913. How long were you in Cashel?—From nine o'clock till five.

3914. How was the election conducted?—Tolerably quiet for an Irish election, especially for a Tipperary election; it was the first election in the county Tipperary I had ever been at.

3915. You are speaking from the reputation of the county?—Yes.

3916. Were there any threats or intimidation to voters?—Not that I saw.

3917. Did you see or notice anybody prevented from voting?—No.

3918. With reference to the Roman Catholic clergy, did they appear to you to be conducting themselves in any improper manner?—No; they appeared to take an interest in the election; several of them came in to vote, and many came in with some of their neighbours and parishioners.

3919. And that is not an unusual thing?—No.

3920. As to intimidation there was none?—None; I saw some hooting, violent language, and groaning, and some people covered with mud; that was during a short period of the day; during about a quarter of an hour or twenty minutes.

3921. Was there anything comparing it with elections you have seen of greater violence or more impropriety?—Certainly not.

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3922. Were you at the county meeting?—No, I was not in the county till the day of the nomination.

Cross-examined by Mr. *Bourke.*

3923. Where did you come from that morning?—My father-in-law's, Mr. Bianconi, Longfield.

3924. That is the opposite direction from Mullinahone?—Very nearly so; it is near the boundary of the polling district on that side; Cashel lies very uncentral for its polling district; the district extends north and west and a long way to south and east.

3925. You did not go in the direction of Mullinahone at all?—No; I saw people coming in from the Mullinahone direction; I was in the town when Mr. Pennefather's party, to the number of 100, came in a little before two o'clock.

3926. There were a large number of troops in the town?—Yes, a large number, even for an Irish election.

[The Witness withdrew.

The Honourable Martin Joseph French was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine,* as follows:

3927. Are you the Resident Magistrate for Cashel?—I am.

3928. You have been magistrate for the county Tipperary a great many years?—More than 20 years in Cashel.

3929. You have had experience of elections in Tipperary?—I have been at all the elections since I arrived at Tipperary.

3930. Was this election more tumultuous than others, or less so?—I can only speak of Cashel, and it was not more tumultuous; on the contrary I should say less than some of them.

3931. I believe there was one thing that occurred; there was one of the gentlemen's horses stopped?—I saw Major Friend driving into Cashel, near the Court-house, and I saw a countryman seize the reins of his horse and drive his phaeton one side of the road.

3932. What did you do upon that?—I immediately rushed forward and arrested the man who had acted so.

3933. Had you any difficulty in effecting that?—I had no difficulty in effecting the arrest, but in doing so I became separated from the constabulary force and I was quite alone with the prisoner; there were a crowd of persons around me and they did not effect any rescue; they asked me to let the man go and I positively refused, and I kept him until at length I attracted the notice of one of the constables.

3934. There was no injury done to you?—Not the slightest.

3935. Did there appear to you to be any organized mob in the town?—No, there did not.

3936. With reference to the priests generally, was there a single instance you observed of the priests conducting themselves with violence or encouraging violence?—I saw nothing of the kind.

3937. Speaking of it in general terms, should you have said that it was a comparatively peaceable election?—There was the occurrence I have mentioned and there were some few occurrences of the kind, but there was nothing that I could see.

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3938. Was there anything that exhibited the least organization?—No.

3939. There was no Riot Act read, or any necessity?—No.

3940. And no adjournment of the poll, or any necessity for it?—No.

3941. As far as you know, was one single voter who wished to vote prevented doing it?—Of my own knowledge I do not know the fact.

Cross-examined by Mr. *Macnamara.*

3942. You said of your own knowledge you do not know of anyone being prevented from voting, you were going to say what?—I heard that one——

3943. Of your own knowledge, you confined that question entirely to your own personal knowledge?—Yes.

3944. There was a very large force in Cashel that day?—There was.

3945. I believe it was on your requisition as well as other magistrates that that force was increased or made so large?—I signed no requisition.

3946. Did you recommend it amongst the other magistrates who were there?—It appeared to me that it was the agent, Mr. Bolton, that seemed to desire it.

3947. You say, having seen Major Friend attacked, you seized the man who did attack him?—Yes.

3948. And for a time you were left alone with him?—Yes.

3949. About that time, how far were the constabulary who had accompanied you before?—They were not far, but I understood that their attention was taken away from me at the moment.

 3950. They

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3950. They were not far from you?—They were not far from me.

3951. You were not at Mullinahone on that day?—No, nor near it.

3952. Nor Cloneen?—Nor Cloneen.

3953. Did you ascertain on that day how many men were sent to the infirmary?—I did not.

3954. Can you tell anywhere about the number?—I do not know at all.

3955. Did you send out an escort of cavalry to protect Mr. Pennefather's voters?—I heard there were voters coming in from Mullinahone, and I sent out an escort to see them in.

3956. You knew that they were attacked on the way?—I did not see it; I sent another magistrate.

3957. Did you see them on their coming into the town?—I saw the resident magistrate, Mr. Hannah, when he came into the town; I saw there was mud upon his clothes.

3958. Did you see other marks of a conflict or attack having taken place?—I forget whether there was any mark upon Mr. Pennefather; I recollect the mud being upon the clothes of Mr. Hannah; I recollect speaking to him upon the subject; I forget whether Mr. Pennefather had any mud upon him or not.

[The Witness withdrew.

Mr. James Richard Naylor was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Mr. *J. R. Naylor.*

3959. Give me the number of electors polled in 1859 and 1865?—There is no number on the back of the return of 1859, for there was no contest.

3960. You cannot tell the number who polled?—No.

3961. In 1865?—No.

3962. Have you got the election of 1857?—No.

3963. Have you been able to get it?—It is not in my district; it is removed into the Rolls Chapel.

3964. Will you begin; in 1865?—Yes, there was one in February 1865, when The O'Donoghue accepted the Chiltern Hundreds. The numbers were, Charles Moore 2,134; Peter E. Gill 909.

3965. Then, the next election?—The other election of 1865; Charles Moore 2,722; John Baker Dillon 2,622; Peter Edward Gill 938.

[The Witness withdrew.

Mr. Serjeant *Ballantine* stated that the numbers in 1857 were for The O'Donoghue 3,394 and Mr. Waldron 2,474.

Mr. *Ryan* stated that those numbers were admitted.

Mr. James Whittaker was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Mr. *J. Whittaker.*

3966. Are you Land Agent to Mr. Charles Moore?—I am.

3967. He is one of the Members for the county Tipperary?—Yes.

3968. Were you in Tipperary the day of the polling, on the 20th?—Yes.

3969. From what time to what time?—From nine in the morning till 10 o'clock at night.

3970. How was the election conducted?—Compared with other elections, it was peaceable.

3971. Did you see the Roman Catholic priests encouraging any violence or heading any mobs?—I did not.

3972. You saw several of them in Tipperary?—Yes.

3973. But saw no violence either encouraged or asked by them?—No.

3974. I believe Mr. Moore's tenants voted with Mr. White, with the exception of one?—Yes.

3975. And he went up and polled for Waldron?—He did.

3976. Was there any interference whatever either on your part or on the part of the priests or other people at voting?—No.

3977. Did you see any of the voters prevented from voting?—I did not; I saw him vote; he came up without any escort; he stood in the crowd a considerable time and voted when he pleased.

3978. You saw him come up, stand in the crowd, and vote for Waldron without any molestation of any kind?—Yes.

3979. I believe you were about the town during the day?—I was; I was principally about the Court-house.

3980. You saw no rioting of any kind?—No.

Cross-examined by Mr. *Cunninghame.*

3981. You say you saw one man go and vote for Mr. Waldron?—One of the tenants of Mr. Moore.

3982. Do you mean to say from that, that any person could, without interruption, that day go into the street and proceed to the polling place and vote for Mr. Waldron?—That is my opinion; I am perfectly satisfied every man could vote who had a vote that day in Tipperary.

3983. Were you in the street leading from the railway station to the Court-house?—No.

3984. Then you did not see what occurred there?—I was principally about the Court-house.

3985. You did not see the voters passing from the railway station to the Court-house?—I did not. I drove into the town in the morning, and everything was very peaceable. I had no escort, and I saw no rioting or scene of any disturbance. I remained in town till 10 o'clock, and went several times through the town in the evening, and I never saw the town more peaceable.

3986. In the evening, that was after five o'clock?—Yes.

3987. It was after all the persons had been polled?—Yes.

3988. With regard to the man you saw going to vote for Mr. Waldron, you did not see him go through the street?—No, I saw him opposite the Court-house.

3989. Did you know him before he went to vote for Mr. Waldron?—Yes.

3990. As a person intending to vote for Waldron?—No.

3991. Nor from anything you were aware of, you could not know that the other persons about were aware how he was going to vote?—He sent to me and said, as a personal favour, if I chose he would vote for White. I would not ask as a personal favour. I knew he was going to vote for Waldron.

3992. I believe you are a Roman Catholic?—Yes.

3993. Do you remember where you were at mass on the Sunday previous to the election, the 14th?—Yes.

3994. Where?—In the church of Latton.

3995. Do you know the name of the clergyman who officiated there on that Sunday?—The Rev. John Magrath.

3996. Did he allude to the general election?—Yes, in a general way.

3997. From the altar?—Yes, I think it was from the altar.

3998. As priest?—Yes.

3999. Was it before or after mass, or was it during mass. I mean at an interval between?—I cannot recollect. I think it was at the time when matters are generally read out from the altar, the priest takes the opportunity of addressing the congregation on extraneous topics.

4000. Was it before the termination of the service; is that the time when clergymen address the people on general topics generally, before the termination of the service?—I think it is.

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4001. You say that he referred generally to the impending election; did he mention the names of any persons?—He did not.

4002. Did not he mention the names of Mr. Waldron or of Captain White?—No, not that I remember.

4003. Will you undertake to swear he did not?—I will not.

4004. Did he say anything with reference to the bishop and the clergy of the diocese having come to a resolution at their meeting to support a Liberal candidate?—I really cannot say exactly what he said; he spoke of the duties of the parishioners as electors, and he told them it was a very hard thing to go against the landlord, and he would not ask any one to go against his landlord who would be afraid of being turned out of his land.

4005. Did he refer to the meeting held by the archbishop and the priest?—I am not aware he did.

4006. Will you swear he did not?—No, I will not; there was not any remark in his sermon that I could remember.

4007. Did he address the people after mass?—No, he did not.

[The Witness withdrew.

The Reverend MAURICE POWER was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

4008. WHICH is your parish?—Anacarty.

4009. Did you assist in bringing up any voters to the poll on the day of the election, the 20th?—I did.

Rev. *M. Power.*

4010. What was the polling place for your district?—Thurles.

4011. About how many accompanied you?—Fifteen.

4012. Were there any other persons accompanied you besides voters?—Two persons, who I thought were voters, and they had no vote when I went in.

4013. Two persons whom you believed to be voters, but turned out not to be?—Yes.

4014. Did any other parties accompany you?—No.

4015. Was there any mob of persons with you?—Going to Thurles?

4016. Yes?—No, not with me.

4017. I suppose a good many people were collected at different parts?—I saw no collection except what I saw when I was leaving Scarrow Cross.

4018. Did you urge these voters, or any mob whatever, to any acts of violence at Scarrow Cross?—Certainly not; it was not even thought of.

4019. It was rather suggested that you made these people drunk; what were the circumstances; I believe there was something given to them?—Yes.

4020. Had you been the previous evening to Sadler's?—Yes, I met Sadler the evening before the election.

4021. I will leave you to tell your own story?—I met Sadler the previous evening; I told Sadler I wanted some cold meat and bread for the voters, as they determined travelling by car to Thurles; they were afraid to go to Dundrun, because they would meet their landlord there and get a rebuke; if they went to Dundrun, I would require nothing for them until they got into Thurles, because then we should have the train; but we had 15 miles to go by car, I wanting some breakfast, to carry them into Thurles. Sadler said he had no meat; then, I said, "What will I do for them, they are to come by car."

4022. On the following morning did they have something at Sadler's?—Yes.

4023. Did you get anything?—Yes.

4024. What did the voters get?—They got bread and spirits.

4025. How much spirits?—They got one glass each according to my orders.

4026. What sized glass?—I understand they would call it in London a fourpenny.

4027. Was that the most they had?—It was the most they had.

4028. From the experience of your congregation, is that too much for them; is that likely to get into their heads; is it an immoderate quantity?—Certainly not, particularly when they had bread to take with it.

4029. That was all they had?—That was all they had.

4030. Did you give them spirits, and encourage them to acts of violence while doing so?—There was not a single word about violence at all, and I did not encourage them to do that.

4031. Did you in any way whatever encourage them to violence?—Not a bit.

4032. Were any of them the worse for liquor that you noticed?—They had no sign of it at all.

4033. Did you at any time say, when somebody was knocked down, or some people were knocked down, or said to have been knocked down, that it serves them right?—It never escaped my lips; I never said a word.

4034. The charge made against you by my learned

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learned friend is, that you encouraged your people then to obstruct Waldron's voters; did you do anything of the kind?—No.

4035. Were they to your knowledge obstructed by anybody with you; were the voters for Mr. Waldron obstructed to your knowledge by any of the people with you?—No, they were not obstructed by any persons with me.

4036. Did you encourage it or advise it?—I advised to the contrary.

Cross-examined by Mr. *Ryan.*

4037. Do I understand you to say it was at Sadler's house that you gave this whiskey to these people?—No.

4038. Was not that what you told my learned friend?—No.

4039. At Sadler's you got the whiskey and bread?—No; at Scarrow Cross-road.

4040. How far is the Cross-road from Sadler's house?—About an Irish mile and a half.

4041. You had the whiskey brought down from Sadler's house to Cross-road?—Yes.

4042. You distributed it here among the people?—Yes, I ordered Sadler to distribute it among the voters.

4043. Did any that were not voters get any of it?—I am not aware of it; but Sadler told me they did.

4044. Some people that were not voters got some of the whiskey?—So Sadler told me; and he admitted he did it against my consent.

4045. As a matter of fact, it turns out that there was whiskey given, and ordered by you, given to voters and non-voters at the Cross of Scarrow?—Not to non-voters.

4046. Was there any given to the non-voters; did not you tell me this moment it was given to the non-voters?—It was given to other persons besides voters.

4047. Are not these non-voters?—Men, women, and children. Do you put them all in the same category?

4048. It was given to voters, and men, and women, and children that were not voters?—Very well.

4049. Whiskey was distributed at the Cross of Scarrow to voters and non-voters?—Very well.

4050. Whoever stated that stated merely the truth?—He did.

4051. You were at Ancarty, your own chapel, on Sunday the 14th?—Yes.

4052. You are in the archbishop's diocese?—Yes.

4053. Were you at the meeting?—I was.

4054. Do you remember the archbishop suggesting to the clergy any address that they were to make with reference to the election held in the chapel-yard?—I remember the archbishop saying that anything that was outside the duty of a priest, as minister, should be spoken outside the church.

4055. In the chapel-yard?—If it was the most convenient place, it might be.

4056. Did the archbishop suggest it was the chapel-yard?—He suggested it.

4057. That is what he did suggest?—That is what he did suggest.

4058. Is it contrary to the statutes of the Church to speak on secular matters from the altar?—Yes.

4059. Did not you from the altar address the congregation on the subject of the election?—I did.

4060. Did not you recommend the Honourable Mr. White to the notice of the electors?—Not from the altar.

4061. Are you sure of that?—I can swear it.

4062. Did you say anything about Mr. Waldron from the altar?—I do not remember at present that it was from the altar.

4063. Will you say you did not?—Yes.

4064. You swear you did not?—I swear I did not.

4065. In the chapel?—From the altar.

4066. Did you mention the Honourable Captain White or Mr. Waldron within the four walls of the chapel?—It is the same answer that I gave before; I did not speak within the four walls of the chapel of Mr. Waldron's name; I did not speak of his name within the four walls of the chapel.

4067. Did you mention his name?—That would be speaking of it.

4068. Did you mention the Honourable Mr. White's name within the chapel?—I am remembering; I know two points that I kept before me while speaking from the altar.

4069. I always endeavour to give simple questions; I ask you, did you within the four walls of the chapel mention the name of the Honourable Captain White?—I have already sworn I did not.

4070. You swear you did not?—Yes.

4071. But told the people to meet you in the chapel-yard?—Yes.

4072. And outside the chapel you did go into the election matters very fully?—I suppose I did.

4073. You there recommended Captain White to the notice of the electors?—Yes.

4074. And Mr. Waldron to their disdain?—Yes.

4075. Very freely?—Yes.

4076. As a person of education I ask you this: The whole of the statute is, that you shall not speak of anybody by name in the chapel; is not that the rule, and what the archbishop stated?—Yes.

4077. To speak on the Sunday, immediately after the celebration of the mass outside the chapel door, upon the same subject, do not you consider that, conscientiously, an evasion of the rule?—I consider when I was doing that, I was doing what the statutes of my diocese required me to do.

4078. Do not you consider it is a mere evasion of the rule to go outside the door to do a thing you could not do inside the door?—I did not do it for the evasion of the rule; I did it for the mere purpose of observing my rules.

4079. You did not consider it an evasion of the rules?—I did not consider it an evasion of the rules.

4080. Did you tell the people in the chapel to meet you outside the chapel, after mass, in the yard?—I did.

4081. Had you a list of the voters in your parish?—No.

4082. No list at all?—No.

4083. At any time during the election?—No.

4084. You knew them all pretty well without the list?—I had a pretty good knowledge of them; I did not require the list; I did not intend to meddle much in the voting.

4085. Were you at the nomination in Clonmel?—No.

[The Witness withdrew.

Mr. GEORGE FRASER was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

4086. WERE you an Agent of Captain White at the last election?—Yes.

4087. And I suppose you assisted in bringing up the voters?—Yes.

4088. You are charged with having dragged or pulled some people off some cars; first, you were said to be the leader of a hired mob; had you any mob that you had hired?—No.

4089. Did you pull anybody off a car?—Certainly not.

4090. There was some circumstance about a car that occurred?—There was.

4091. Will you mention to the Committee what it was; this was at Clogheen?—Yes.

4092. Whose voters were they?—They were voters belonging to the Irish Land Company.

4093. Who were they coming up with?—They were coming up with the bailiff of the Irish Land Company.

4094. What was his name?—O'Loughlin.

4095. Did you address yourself to him?—No.

4096. Did anything take place?—Yes.

4097. What?—I was the solicitor to the Irish Land Company, and on the 19th I went to Lane's Park, the residence of the agent of the Irish Land Company.

4098. Did you ask permission to canvass the voters?—I did, from the agent.

4099. Did you obtain permission?—I did.

4100. Did you accordingly canvass them?—Yes.

4101. Were they upon the cars at this time?—Yes.

4102. Did you canvass one man in the car?—I canvassed one man, named Cresey, who was on the car; I told him of the permission I had received; he said—

Mr. *Ryan* objected to any conversation being given which took place between this Witness and the man canvassed

4103. Mr. Serjeant *Ballantine.*] Did he come off the car willingly, or did you pull him off?—He jumped off the car of his own accord.

4104. Did you canvass somebody else?—Yes.

4105. Did he stick to the car?—He said he was afraid to go against his landlord.

4106. He did not go?—No.

4107. Did he come off?—No.

4108. Did you pull him off?—No.

4109. From the first to the end did you advise any violence, or were you guilty of any violence?—I never thought of such a thing, or suggested it, either directly or indirectly.

Cross-examined by Mr. *Ryan.*

4110. Were you in Clogheen the night before? I was.

4111. Was not there a most violent mob in Clogheen the night before?—Not when I was there.

4112. Were not they collecting when you came there?—No.

4113. Did you see Mr. Brown with a black eye?—I did; I called upon Mr. Brown; I found he had received an injury; I called upom him to express my regret.

4114. Why should you express your regret?—I have known him for 20 years.

4115. You thought it necessary to go and condole him?—No, I was in the same hotel with him.

4116. Did you see the mob attacking the houses at night?—No.

4117. You kept out of that?—I was in my hotel; I never left the hotel at night.

4118. Did you see the police, with sword bayonets fixed, charge up the street twice?—No.

4119. Did you see any stones thrown?—Certainly not.

4120. There is a bill of indictment filed against you for your part in this affair?—Yes; allow me to explain: they went behind my back without any information being sworn against me, or any matter criminating me, and my name was put into the bill; it was easy to do it when Mr. Bolton was the sessional solicitor for Tipperary. I have read the copies of informations, and my name does not appear in one of them.

4121. Is it not at the assizes the indictment appears against you?—Yes.

4122. Who is the Crown solicitor?—Mr. Kemmis; but the sessional solicitor attends and assists him.

4123. Do you think he was there at all last assizes?—I do not know.

4124. On your oath?—I do not know, on my oath.

4125. Do not you know?—I do not know.

4126. Did you hear a band in Clogheen at 10 o'clock; a musical band?—No.

4127. I mean a musical band, not your other band?—I had no other band.

4128. Did you hear a band on that night?—Yes.

4129. Then there was a band?—Yes.

4130. You were an agent?—Yes; I had no connection with the band, either directly or indirectly.

4131. Who paid for the band?—I do not know, nor did I pay a farthing, or encourage the band, or know it was coming there.

Re-examined by Mr. Serjeant *Ballantine.*

4132. You say that you have learnt that there is an indictment filed against you by the grand jury?—Yes.

4133. Had you any notice whatever of any intention to prefer the bill?—Not the slightest, except in one way; not legally; I have heard it from an agent of Mr. Waldron's.

4134. You had some sort of information given you?—Yes.

4135. You were not before any magistrate?—No.

4136. No inquiry before you?—No.

4137. No summons or warrant?—None whatever.

4138. You say informations have been laid against certain persons?—Yes.

4139. Was your name mentioned in any way whatever?—No.

4140. You have alluded to Mr. Bolton, the Crown solicitor; what has he to do at the sessions?—

Mr. *Ryan* objected to the question.

Mr. Serjeant *Ballantine* was heard in support of his question.

Mr. *G. Fraser.*

4 April 1867.

The *Chairman* stated, that the Committee were of opinion that the question could be put.

4141. Mr. Serjeant *Ballantine* (to the *Witness*).] What is Mr. Bolton's position at the quarter sessions?—He is the sessional Crown prosecutor for the county Tipperary; those informations were returned at the sessions in the first instance, and came under his cognizance in that way.

4142. By the *Committee.*] Do you know all that?—Yes; I have seen the attested copies.

4143. Mr. Serjeant *Ballantine.*] These are the attested copies?—Yes.

4144. They would come into his hands in his official capacity?—Yes.

4145. Would he be the person having the prosecution?—He would.

4146. As sessional Crown prosecutor, would he likewise be at the assizes?—It is his duty, likewise, to attend there.

4147. And in cases where the Crown do not actually themselves prosecute, it would be his duty to do it, where the Attorney General does not prosecute?—There is no prosecution in Ireland without the leave of the Attorney General, and my name was never brought before the Attorney General.

4148. Mr. *Ryan* (through the *Committee*).] Who is the gentleman that told you about this?—Mr. Robert Serjeant; Mr. Robert Serjeant told me, immediately after the election, at the Petty Sessions Court-house of Ballyporeen, that Mr. Bolton told him that he heard from Mr. Pretty, the clerk of the peace, that a bill of indictment would be preferred against me. Since I came here, I thought it right to mention to Mr. Serjeant what I was going to state; he said he did not tell me that; he said that Mr. Pretty told him of it, and he read upon the informations; it could not be so, because my name is not in the informations.

[The Witness withdrew.

Mr. *Ryan* stated, that the Committee having thought proper, in their discretion, to allow the last Witness to give an explanation, on the ground that Mr. Bolton's name was introduced, it was only fair that he should now ask leave to call Mr. Bolton, that he might give his version of the matter.

Mr. Serjeant *Ballantine* stated, that at the end of his case, Mr. Ryan could ask the permission of the Committee to call witnesses; but that it was not competent for Mr. Ryan to interfere at that stage of the proceedings.

The *Chairman* stated, that the Committee were of opinion that Mr. Serjeant Ballantine should proceed with his case.

Mr. JOHN CUNNINGHAM was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Mr. *J. Cunningham.*

4149. ARE you Clerk to Mr. David O'Reilly?—Yes.

4150. Had Mr. O'Reilly the charge of the polling districts of Tipperary?—He had.

4151. Was that for Mr. Waldron?—Yes.

4152. Do you know Mr. Bolton, the conducting agent?—I do.

4153. Did you receive any directions from him?—Not from him.

4154. Did you receive any directions from Kelly?—Yes.

4155. What were they?—To employ a mob.

4156. Was Kelly an agent of Mr. Waldron's?—Yes.

4157. And had charge of a district?—Yes.

Mr. *Macnamara* stated that there was no proof that Kelly was an agent for Mr. Waldron.

4158. Mr. Serjeant *Ballantine* (to the *Witness*).] —Did you receive certain directions from Kelly? Yes.

4159. Did you afterwards see Mr. Bolton?—Yes.

4160. Did you receive from Mr. Bolton any money?—Yes.

4161. What?—A cheque.

4162. For what?—£. 50.

4163. What did you do with it?—I distributed it amongst Mr. Waldron's mob.

4164. By whose orders?—By Mr. Bolton's and Mr. O'Reilly's.

4165. By the *Committee.*] Where was this?—In the town of Tipperary.

Cross-examined by Mr. *Macnamara.*

4166. You distributed this money amongst Mr. Waldron's mob?—The greater portion of it.

4167. What did you do with the rest?—Mr. O'Reilly retained it.

4168. How much did you distribute in that way?—£. 35 to 40 *l.*

4169. Do not you know that a number of persons were employed as conductors, for the purpose of getting voters across from the tally-rooms to the booths?—Yes.

4170. Did you make out a list of them?—I did.

4171. A long list, was it not?—I could not say a very long list; there may be more than was necessary.

4172. Were not the directions that you received, to pay that money to those conductors?—No.

4173. And to those people who were on the list?—No.

4174. Do you swear that?—Yes, I do.

4175. Who gave you the directions?—Mr. O'Reilly.

4176. Is Mr. O'Reilly here to-day?—I am not aware; I think he was to be.

4177. He is alive?—Yes.

4178. And well?—I hope so.

4179. Have you got the list here that you made of the conductors?—No.

4180. Where is it?—Mr. O'Reilly has it, or Mr. Bolton; I do not know which.

4181. You received this money after the polling was over?—Yes.

4182. Some days after?—Yes, I should say three or four days after; but I took down the list before the polling.

4183. Had you distributed the money after the polling was over some days?—No; I did not get it to do so before; I did not get it before; I got it afterwards.

4184. I say it was after the polling was over some

some days after you distributed the money you so received?—It was.

Re-examined by Mr. Serjeant *Ballantine.*

4185. Had you arranged to pay before the polling?—Mr. Bolton fixed the sums each party was to get, when he was giving me the cheque.

4186. He fixed the sums that each party was to get?—Yes.

4187. What were they to do for him?—This was after when I got the cheque that he did this.

4188. What sort of people did you give it to?—The mob. Mr. *J. Cunningham.*

4189. Not voters, but the mob?—Yes.

4190. What for?—I believe to shout down Captain White. 4 April 1867.

4191. That was so?—I am afraid it was so.

4192. On the day of nomination there was a great deal of shouting "Down with White and up with Waldron"?—That was done before and after.

4193. And "Down with White," on the other side?—Yes.

[The Witness withdrew.

MICHAEL T. CREAN, Esq., was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine,* as follows:

4194. YOU are a Barrister, practising at the Irish Bar?—Yes. *M. T. Crean,* Esq.

4195. You were a warm supporter of Captain White's?—Yes.

4196. In the last election for the county?—Yes.

4197. And attended the meetings, and made speeches?—Yes.

4198. Did you happen to be at the meeting of the place that is commonly called Mullinahone?—I was present at the meeting at Mullinahone.

4199. And you made a speech there?—Yes.

4200. I believe others made speeches?—Yes.

4201. Do you know a man named Delaney, said to be one of the agents?—I know a Mr. Delaney, who, I believe, acted as agent for Captain White at the late election.

4202. Was he present at the meeting?—I did not see him there.

4203. If he had been present and made a speech, must you have known it?—I should think so.

4204. There is no doubt?—No.

4205. Did any one make a speech, invoking the sacred name of Kickham?—I heard no person mention such a person.

4206. Could such a speech as that have been made without your hearing it?—I do not think it could.

4207. I believe you also heard Mr. Strange speak?—I did.

4208. Did he ever advise the people to smash the cars, and cut the traces?—I did not hear him; I do not think he did.

Cross-examined by Mr. *Ryan.*

4209. How many Mr. Delaneys do you know?—I really could not tell you.

4210. Their name is legion?—Yes; I know Mr. Delaney; I only know him who acted as Captain White's agent at the last election.

4211. There may have been half a dozen?—I do not know but one at this moment.

4212. Who went with you into Mullinahone?—Mr. Strange, Mr. O'Donoghue, Mr. Byrne, and Mr. Hackett.

4213. You did not hear of this invocation of the sacred name of Charles Kickham?—No, I did not.

4214. You cannot undertake to swear that nobody said that, that day in Mullinahone, none of the orators?—I think I can undertake to swear there was no invocation of that name on that day.

4215. Was there any allusion to the name of Charles Kickham at all?—The only allusion that I heard to the name of Charles Kickham, was in a speech made, in which one of the speakers said, that the first time he ever addressed a meeting was in Mullinahone, at which Mr. Kickham was present.

4216. Who was now pining in his lonely cell at Pentonville?—There was no reference made to that at all.

4217. Do you mean to say it may not have been added?—I do not think it could have been added without my hearing it.

4218. Supposing two witnesses positively swear it was said, would you undertake, from your recollection, to contradict it on your oath?—I heard what occurred.

4219. Would you undertake positively on your oath to say, contrary to the evidence of the two witnesses who swear they heard it, that it could not have occurred?—I undertake to swear I heard no remarks of that character made; I was present during the whole meeting, and I do not think it could be made without my knowledge.

4220. You will not swear it was not?—As two witnesses have already sworn it, I will not undertake to contradict them; I think it is very improbable.

4221. Did you come out strong yourself, that day?—I suppose I did.

4222. Pretty well?—Yes.

4223. Is that Mr. Thomas Strange, of Waterford?—Yes.

4224. I believe he is alive?—Yes.

4225. In good health?—Yes.

4226. You did not hear him tell themto smash the cars or cut the traces?—No.

4227. Supposing two witnesses, one of them took a memornadum standing coolly by, were to swear that it was said, would you positively say that it was not said?—

The *Chairman* stated that the question had already been answered.

Re-examined by Mr. Serjeant *Ballantine.*

4228. Did you say that Waldron was a nominee of the Tory landlords, and that they were bound to exterminate the people from the country, and drive them from home to America?—That Mr. Waldron was the nominee of the Tory landlords?

4229. And that the landlords were determined to exterminate the people from the country, and drive them from home to America?—I really have no recollection of what I said on that day; I cannot say whether I did or not; I have no recollection of it.

[The Witness withdrew.

THOMAS STRANGE, Esq., was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

T. Strange, Esq.

4 April 1867.

4230. ARE you a Solicitor and Attorney, and have you filled the office of Mayor of Waterford?—Yes.

4231. Were you an agent for Captain White at the last election in the contest between him and Mr. Waldron?—I was.

4232. I believe you were one that took an important part in the management of the election?—Yes.

4233. Did you either countenance or advise any intimidation or threats?—No.

4234. Were you at this meeting at Mullinahone?—Yes.

4235. Did you tell the people to upset the cars and cut the traces, or anything of that kind?—Certainly not.

4236. I believe you have conducted a great many elections?—Yes.

4237. Was this election conducted rationally or as peaceably as any other election you know of?—I never saw a contested election conducted more peaceably.

Cross-examined by Mr. *Ryan*.

4238. Will you swear you did not tell the people to smash the cars or cut the traces?—Yes.

4239. On your oath?—I am on my oath.

4240. What took you to Mullinahone at all on that day?—First of all a car took me there, and then my instructions.

4241. Do you think that is a proper answer to that question?—Yes.

4242. Who gave you your instructions?—Mr. Edmund Power.

4243. Your instructions were to go to Mullinahone and make a speech?—No.

4244. It was not part of your instructions to make a speech?—No.

4245. You did make a speech?—I did.

4246. Have you a note of what you said?—Not about me.

4247. Have you got a note of it?—No.

4248. Why did you say not about you?—Because I made a note of it.

4249. Where is that?—I gave it to the conducting agent on the other side.

4250. When did you make it?—I made it last Monday.

4251. Last Monday, a note of what you said in Mullinahone on the 19th of October?—Precisely.

4252. But you had no note before you went to speak?—Certainly not.

4253. Can you always tell, after a speech of this description, what you have said upon the occasion, or what you have not said?—Generally.

4254. If any man swore that you did state upon that occasion to tell the people to "smash the cars and cut the traces, and if that will not do, you know what will," that is positively false?—Positively false.

4255. Downright perjury?—Yes.

4256. If two people swore that, it may be double perjury?—It may not be wilful perjury, but it is a falsehood.

4257. Are you not a violent speaker, on your oath?—I do not conceive I am.

4258. Have your speeches never got you into a scrape?—Never.

4259. On your oath were not you in gaol in 1848 a supposed rebel for your speeches?—No.

The *Chairman* stated that the course of examination went beyond the ordinary limits of Counsel.

4260. Mr. *Ryan*.] You undertake to say that those people have sworn what is false?—I do.

[The Witness withdrew.

Mr. Serjeant *Ballantine* stated that he was in a position to prove the state of the register in the year 1857, and in the two elections that took place in 1865, and in the election of 1866. In 1857 the numbers were 9,062; in 1865, 9,122; in 1866, 9,122. He also stated that that was his case on behalf of the Sitting Member.

Mr. *Macnamara* stated that he proposed to call Mr. Bolton to answer the charge which had been made against him by Mr. Fraser.

Mr. Serjeant *Ballantine* objected, on the ground that it was a collateral issue introduced by the Petitioners' Counsel on cross-examination to prejudice the character of the Witness, and that they were not able or permitted by law to call Witnesses to contradict it.

The *Chairman* stated Mr. Bolton might be called to give a short explanation of the charge made by Mr. Fraser.

GEORGE BOLTON, Esq., was called in; and, having been sworn, was Examined, by Mr. *Macnamara*, as follows:

G. Bolton, Esq.

4261. YOU are a Solicitor?—I am.

4262. And have been so some years?—I have.

4263. Crown Solicitor?—I am Sessional Crown Solicitor to the town of Tipperary, and have been so 12 years.

4264. You have heard the evidence given by Mr. George Fraser to-day with regard to the bill of indictment you preferred against him?—Yes.

4265. Will you give an examination of that matter?—Yes; informations for cases for riots; that class of cases are sent in the first instance to the sessions; in ordinary cases they would be tried there, but there is a special rule of the Attorney General, made four or five years ago, which directs that all such cases should be sent on to the assizes and not dealt with at the sessions; the informations upon these cases went to the sessions, and were transmitted by the clerk of the peace to the assizes; but Mr. Kemmis, the Crown Solicitor, is the party to deal with them. I never knew till I came into this Committee-room, or came over to attend this Committee in London, that a bill of indictment had been sent up againt Mr. Fraser or was found; I never spoke to any human being, directly or indirectly, upon the subject.

Cross-examined by Mr. Serjeant *Ballantine*.

4266. Is it usual for the Crown Solicitor to act in the capacity of election agent?—Yes; I have acted as election agent for all the elections that have taken place for several years, by permission of the different Attorney Generals who have been in office for many years.

4267. Is it usual?—Yes.

[The Witness withdrew.

TIPPERARY ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

TIPPERARY ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1867.)

Ordered, by The House of Commons, *to be Printed,*
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I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; and the Numerals following *Rep.* to the Pages in the Report.]

A.

ADJOURNMENT OF THE POLL. No application was made at Thurles for an adjournment of the poll; witness, as agent for Mr. Waldron, would have made such application had there been rioting in the booths, *Sheppard* 855–860.

Agents. See *Power, Edmund.* *Roman Catholic Clergy.* *Strange, Thomas.*

Altar Denunciations or Addresses. See *Gleeson, Rev. Hugh.* *Maher, Rev. Mr.* *O'Connell, Rev. Mr.* *Roman Catholic Clergy.*

Anderson, John. (Analysis of his Evidence.)—Is county inspector of constabulary at Nenagh, 1084, 1085——Large force of constabulary, in addition to cavalry and infantry, located at Nenagh at the time of the last county election, 1086–1097——Numerous bodies of men who came into Nenagh from different directions on the polling morning, many of them armed with bludgeons, and headed generally by the local Roman Catholic clergymen, 1098–1136——Mention of some parish priests who took no active part in the election, 1136, 1137——Great excitement in the town throughout the day, 1138, 1139.

Information relative to the violence of the mob, several persons having been struck with sticks or stones, 1140–1168——Contest between some of the mob and two Conservative voters of the name of Hodgins; impression that this originated with the latter, 1140–1143. 1163–1165. 1186–1197——Less riotous character of the last election than of the two previous ones; belief that this was owing to the large force of military and police on the last occasion, 1171–1175. 1198, 1199.

B.

Bagwell, John (*Member of the House*). (Analysis of his Evidence.)—Is Member for Clonmel; has had a long experience of elections in the county of Tipperary, 3046–3049——Support given by witness to Mr. Waldron previously to the last election, when, through Mr. Waldron having changed his political views, witness voted, as he always had done, on the Liberal side, 3050–3067. 3085–3091——In voting for Captain White at the last election witness was not acting in any way under the influence or dictation of the Roman Catholic clergy, 3053–3055.

Statement as to a certain meeting of Liberal electors at Thurles having been convened by Mr. Maher, formerly Member for the county, 3070–3072——Belief that the Roman Catholic clergy had not interfered with reference to the election previously to the meeting at Thurles, 3073——Attendance of several Roman Catholic landowners of influence at the meeting at Thurles, when a general feeling was expressed in favour of an opposition to Mr. Waldron, 3074–3077.

Entire absence of any suggestion on the part of the clergy at the meeting at Thurles that violence should be resorted to at the election, 3078–3080——Circumstance of the county having for very many years always returned a Liberal Member, 3081——Cross-examination upon the question whether, previously to the meeting at Thurles, the clergy had not interfered or taken action in respect of the election, 3092–3098——Very large force of military and police in Clonmel on the polling day, the town having been generally in a quiet state, 3100–3103——Majority of Mr. Waldron in Clonmel, there being some large Conservative landlords in the neighbourhood, 3104–3106——Support of Mr. Waldron by Lord Lismore and his tenantry, 3107–3111.

Evidence, 1867—*continued.*

Ballinasloe (*Riots and Intimidation*). Witness was proceeding to Cashel to vote for Mr. Waldron, but was stopped by a mob at Ballinasloe and rendered senseless by a blow from a stone, so that he was unable to go on to Cashel, *Shanahan* 2905–2925.

Witness was canvassing agent for Mr. Waldron, and on the morning of the election was proceeding with several cars and voters to Cashel, but was stopped by a furious mob at Ballinasloe, *M'Gee* 2926–2934——The mob made a violent attack on witness's party, so that a retreat was absolutely necessary in order to escape with life, *ib.* 2934–2939——On mustering his party after the attack witness found that seven of the voters were missing, *ib.* 2939–2941.

Bands of Music. With regard to a band of music at Clogheen on the night before the election, witness, as agent for Captain White, had nothing to do with it, *Fraser* 4126–4131.

Bayly, Edward. (Analysis of his Evidence.)—Particulars relative to the violence of the mob in Thurles on the polling day towards a party of Lord Hawarden's voters, who went from Dundrum in order to poll for Mr. Waldron, 987 *et seq.*——Particular instances of voters who were struck and seriously injured by the mob, 997–1002. 1026–1038——Attack by the mob on the party of voters accompanied by witness, when the latter were returning from the courthouse to the railway station ; charge made by the dragoons on this occasion, 1017–1025. 1041, 1042——Injuries received by one voter, who subsequently died, 1034–1038——Evident intimidation of the voters by the mob, 1039, 1040.

Bolton, George. (Analysis of his Evidence.)—As sessional Crown solicitor for the town of Tipperary explains the circumstances connected with a certain bill of indictment against Mr. George Fraser, 4261–4265——For several years past witness has acted as election agent, under permission from the Attorney General for the time being, 4266, 4267.

Brittan, William. (Analysis of his Evidence.)—Was accompanying William Shee and some other voters into Cashel in order to vote for Mr. Waldron, when the party were stopped forcibly by a mob near Cloneen, and were detained in Cloneen so that they did not reach Cashel at all, 2788 *et seq.*——It was in accordance with the wish of his landlord that witness was going to vote for Mr. Waldron, 2818–2825. 2856, 2857——A wish was expressed by George O'Brien of Cloneen, who was one of witness's party, that they might all be stopped; witness did not hear any one else of the party express himself similarly, 2826–2855.

Bulbert, Philip. (Analysis of his Evidence.)—Distribution by witness in Fethard of about 23 *l.* before the election, in order to give Captain White a good name, the money having been given to witness by John Macarthy, 2615–2623. 2625–2629——Reason for believing that the same thing was done on the side of Mr. Waldron, 2624. 2630, 2631.

Butler, Thomas. (Analysis of his Evidence.)—Magistrate for the county of Tipperary ; is agent for Mr. Waldron and other landowners in the county, 309. 329–331——Attendance of witness, who is a Roman Catholic, at Kilmoila Chapel on the Sunday before the last election for the county, the Rev. Mr. O'Connell having been the officiating clergyman, 310–315——Address of Mr. O'Connell to the congregation after mass, when he denounced in strong language the supporters of Mr. Waldron, and urged the people to vote for Captain White, 316–328——Statement, upon the question of Mr. O'Connell, having alluded to Mr. Waldron's change of politics ; circumstance of some of the Roman Catholic clergy having formerly supported him, 332–351——Support given to Mr. Waldron by both Liberal and Conservative landlords in the county, 352–360.

Byrne, Captain Dudley. (Analysis of his Evidence.)—Statement in detail as to witness having accompanied from Templemore to Thurles a party of Captain White's supporters; positive denial that he used any threatening language towards any of Mr. Waldron's voters, or gave the slightest encouragement to any violence or intimidation, 3112 *et seq.* —— Considerable excitement in Thurles on the polling day, though witness did not observe any acts of violence, 3143–3151. 3171–3175. 3199–3211.

C.

Carrick-on-Suir. Statement as to Captain White having publicly addressed the people in Carrick on the 17th October; excitement in the town on this occasion, *M'Loughlin* 2316–2330.

Cars (*Conveyance of Voters*). Statement as to Mr. Power, Captain White's agent, having said on the 15th October that he would smash every car and cut the traces of every car bringing in Captain Waldron's voters to Clonmel, *Ffennell* 260–271——Conclusion of witness at the time that Mr. Power spoke in jest, though subsequently witness had reason to believe that his statement was made in earnest, *ib.* 272–286.

Steps were taken by witness to procure cars for Mr. Waldron's voters, but the cars were not forthcoming, *Sayars* 2165–2173——Statement as to witness, who is a car driver, having

Evidence, 1867—*continued.*

Cars (*Conveyance of Voters*)—continued.

having been prevented by a mob from going with his car to the house of Mr. William Pennefather, at Ballylanigan, on the morning of the election, *Farrall* 2186-2201—— Difficulty experienced by witness in getting cars for the conveyance of voters from his place to Cashel, *Pennefather* 2228-2232——Obstruction on the road near witness's house, *ib.* 2313-2315.

Statement as to witness, who is a car driver, having, with two other car drivers, been stopped by some men at a place called South Lodge on the night before the election, when the wheels were taken from the cars so as to prevent the conveyance of certain voters to the poll, *Shasby* 2385-2422——Information on the subject of the obstruction offered by a party of men to witness when proceeding with some cars to convey voters into Cashel on the polling day; stop put to his progress until it was too late to reach Cashel in time for polling, *Foley* 2423 *et seq.*

Witness, who was an agent for Captain White at the last election, positively denies having said, in a speech at Mullinahone, that the people should cut the traces and smash the cars conveying Mr. Waldron's voters, *Strange* 4230 *et seq.*

Cashel (*Riots and Intimidation*). Details relative to the violence experienced by witness and his party from a mob near Cashel; serious injuries inflicted on several voters, *Pennefather* 2279-2309——Fear of witness to leave Cashel until the day after the poll, *ib.* 2310-2312——Statement as to an attempt made by some men to stop witness and other voters at South Lodge on the road to Cashel on the night before the election, *Welsh* 2366-2377——Blow received by witness when proceeding into Cashel on the polling day, *ib.* 2378-2380—— Particulars as to the attack of a mob in Cashel upon witness and a party of voters who were going to the poll for Mr. Waldron; severe injury received by witness, though he succeeded in recording his vote, *Henderson* 2632-2663.

Statement to the effect that the proceedings in Cashel on the polling day were tolerably quiet for an Irish election; witness saw no intimidation or violence committed, *O'Connell* 3906-3926——Witness was on duty at Cashel, as resident magistrate, on the day of the election, and states that, on the whole, the proceedings were not more tumultuous than at former elections, and that he saw no voter prevented from polling, *French* 3927 *et seq.*——Doubt as to the amount of violence displayed towards the party of voters who came with Mr. Pennefather before they reached the poll, *ib.* 3955-3958.

See also *Military and Police.*

Clarke, William. (Analysis of his Evidence.)—Is a reporter for the "Clonmel Chronicle," 125, 126——Copies of the "Tipperary Free Press" adverted to as containing certain resolutions of the Roman Catholic clergy of the county, in which the electors are urged to vote for Captain White, 127-136——Issue of placards throughout the county embodying the resolutions of the clergy, 137, 138——Statement as to witness having attended the nomination in Clonmel and having seen Mr. Strange and Mr. Haskett in the courthouse on that day, and having also seen them on the polling day, acting as agents for Captain White, 139-164.

Cleary, The Rev. Francis. (Analysis of his Evidence.)—Witness, who is a parish priest, accompanied several voters of Captain White to the poll at Thurles, but positively denies having exercised any intimidation or counselled any violence, 3526 *et seq.*——Part taken by witness, and by the Roman Catholic clergy generally in the county, in opposition to Mr. Waldron, 3554-3558——Explanation as to witness having addressed his congregation from the altar in support of Captain White; belief that his curate did not do likewise, 3559-3566——Practice generally for the priests or the agents to accompany the voters to the poll, 3585-3591.

Clogheen (*Riots and Intimidation*). Employment of witness to act as canvassing agent for Captain White in the Clogheen district at the last election, *John Murphy* 1881-1885. Denial that witness fostered any rioting or any attacks upon the houses of Mr. Waldron's supporters, *ib.* 1886-1916.

Statement relative to the violence of the mob at Clogheen on the night before the last election and on the election night; prominent part taken in the rioting by John Murphy, *Jeremiah Murphy* 1917-1948.

Great difficulty and obstruction experienced by witness and a party of Mr. Waldron's supporters in getting away from Clogheen on the polling morning; attack made by the mob and dispersion of witness's party, *Macarty* 1956-1976—— Doubt whether all the voters eventually escaped from the mob, or whether they all succeeded in polling at Clonmel, *ib.* 1974-1976. 1984-1992.

Denial by witness that he was the leader of any hired mob, or that he pulled any voters off cars at Clogheen in order to make them vote for Captain White, *Fraser* 4088-4109——Witness saw no violence committed at Clogheen on the night before the election, *ib.* 4110-4119.

Evidence, 1867—*continued.*

Cloneen (*Riots and Intimidation*). Particulars relative to an attack by a mob at Cloneen upon some voters under an escort of witness and other policemen on the morning of the election, the result being the dispersion of the voters, *M'Mahon* 2455–2465——Several barricades on the road between Cloneen and Fethard, *M'Mahon* 2466–2487; *O'Shee* 2705–2709; *Shee* 2751, 2752.

Statement as to witness and three other voters having been stopped by a mob at Cloneen when going into Cashel to poll for Mr. Waldron; witness making the best of his way home, and not voting at all, *Dahorty* 2488–2522——Attack made upon witness, Patrick Kane, and Edward Kane, at Cloneen, on their way to Cashel to vote for Mr. Waldron, the result being that they did not succeed in reaching Cashel at all on the polling day, *J. Kane* 2538–2550——Escort by witness, and nine policemen under his charge, of some voters on their way to Cashel, when an attack was made upon them by a large mob at Cloneen, and the voters taken forcibly out of the cars; James Kane was one of these, *Roche* 2551–2578.

Detail of the circumstances under which witness, William Shee, and other voters who were going to Cashel to poll for Mr. Waldron were stopped by a large party of men near Cloneen, and were prevented from reaching Cashel in time to vote, *O'Shee* 2664 *et seq.*——Statement in corroboration of the evidence of Nicholas O'Shee as to the interference of a large mob at Cloneen having prevented O'Shee, witness, and some other voters from reaching Cashel in time for polling, *Shee* 2735 *et seq.*——Witness was accompanying William Shee and some other voters into Cashel, in order to vote for Mr. Waldron, when the party were stopped forcibly by a mob near Cloneen, and were detained in Cloneen so that they did not reach Cashel at all, *Brittan* 2788 *et seq.*

Detailed statement in connection with the escort of some voters from Cloneen who were to proceed *viâ* Fethard to Cashel, under charge of witness as magistrate, with an escort of military and police, *Hort* 3460 *et seq.*——Question considered as to the means of getting these voters from Fethard into Cashel before the poll closed; denial by witness that he ever said the voters' lives would be in danger if they went on, *ib.* 3463 *et seq.*——Particulars relative to the obstructions or walls built across the road in order to impede the progress of the cars, and of the voters; absence, practically, of any violence, *ib.* 3463. 3484–3491. 3515–3517.

Clonmel. Majority of Mr. Waldron in Clonmel, there being some large Conservative landlords in the neighbourhood, *Bagwell* 3104–3106.

Conveyance of Voters. See *Cars.*

Cooper, Captain Richard. (Analysis of his Evidence.)—Is owner of some property near Thurles; is not a resident landlord, but went to Ireland in October to vote for Mr. Waldron, 709–712. 755–760——Departure of witness from Lisheen for Thurles on the day of the election with about thirty-four voters, under an escort of twenty troopers and some mounted police, 714–724——Great difficulty experienced by witness and his party in reaching the tally rooms of Mr. Waldron, and in subsequently getting to the court-house to poll, owing to the violence of the mob in Thurles, 725–734——Circumstance of witness and several others having been struck by the crowd, 735–740.

Indirect route taken by witness, on leaving the courthouse, in order to escape the mob, 741–745——Circumstance of a Roman Catholic priest having been apparently presiding in the polling booth, 746, 747——Numerous priests about the town during the time the mob were so violent, 748–754——Belief that all the voters who accompanied witness succeeded in polling, 761.

Corrupt Practices. Resolution of the Committee that they have no reason to believe that corrupt practices extensively prevailed at the election, *Rep.* iii.

See also *Intimidation. Riots.*

Coughlan, William. See *Personation.*

Couser, James Scott. (Analysis of his Evidence.)—Voted at Thurles for Mr. Waldron without any molestation from the mob; did not see any other voters molested, but considers there may have been a certain amount of intimidation exercised, 3001–3045.

Crawford, Thomas. (Analysis of his Evidence.)—Farmer at Fontfield, near Templemore; went with several other voters from Templemore to Thurles by railway on the day of the election to vote for Mr. Waldron, 409–416——Violence of the mob at Thurles, under the leadership of Captain Dudley Byrne, many of the persons composing this mob having come from Templemore, 417–432. 468–475——Escort of witness and other voters from the railway station to the poll, where they arrived with great difficulty, on account of the onslaught made upon them by the mob, 417–443.

Severe blow received by witness from a stone thrown at him in the railway carriage on his return from polling, 447–454——Mention of several supporters of Mr. Waldron who were struck with stones or sticks and were seriously hurt; particulars hereon, 455–467——Statement to the effect that witness is not aware whether any of the voters who travelled with him from Templemore to Thurles were actually prevented from voting by the mob, 476–480.

Crean,

Evidence, 1867—*continued.*

Crean, Michael T. (Analysis of his Evidence.)—Explanatory statement relative to some speeches made by witness and other supporters of Captain White at Mullinahone; denial that violence was counselled or that certain expressions of an inflammatory nature were used, 4194 *et seq.*

Cruise, Mr. John Francis. (Analysis of his Evidence.)—Witness, who is a sub-inspector of constabulary, was at Nenagh on the polling day, and, except on one occasion, saw no disturbance or riot, 3783-3812——There was no display of excitement on the part of the Roman Catholic clergy, 3792-3797——The election was, in fact, a very quiet one; large military force present, 3809. 3814, 3815.

Cunningham, John. (Analysis of his Evidence.)—Statement as to witness having, by direction from agents of Mr. Waldron, employed a mob at Tipperary for the election day, and having distributed from 35 *l.* to 40 *l.* among them, which he had received from Mr. Bolton; question hereon, whether these payments were not made to persons employed for conducting voters to the poll, 4149 *et seq.*

D.

Daburgh, Alexander Andrew Butler. (Analysis of his Evidence.)—Resides at Templederry, in the county of Tipperary; is a landowner and voter in the county, 652-654——Violent attack made by a mob in Thurles upon witness, and a party of fourteen or fifteen voters who were accompanying him to the poll on the day of the last election, 655-663——Serious blow received by witness, so that he was stunned, 657-659. 704——Dispersion of witness's party by the mob, only two or three having remained with him until, by the aid of the police, the courthouse was reached, 660-664.

Inability of witness to cross from the courthouse to Mr. Waldron's tally rooms on account of the hostility of the mob towards him; statement hereon as to the way in which he had voted at former elections, 665-670. 685-703——Mention of the names of three voters who were separated from witness and who afterwards said they voted for Captain White through intimidation, 671-684. 705——Doubt whether the men generally of witness's party voted; list of the names of the party, 704-708.

Dahorty, Pat. (Analysis of his Evidence.)—Statement as to witness and three other voters having been stopped by a mob at Cloneen when going into Cashel to poll for Mr. Waldron, witness making the best of his way home and not voting at all, 2488-2522——Explanation on the subject of witness's right to the franchise, 2523-2537.

Dawson, Captain George Massey. (Analysis of his Evidence.)—Was in charge, as magistrate, of portion of the town of Tipperary on the polling day, and states that quietness generally prevailed, and that, except some voters under escort, the supporters of Mr. Waldron were unmolested and polled without difficulty, 3363-3406.

Degernon, Christopher. (Analysis of his Evidence.)—Stipendiary magistrate at the town of Tipperary; had charge of the town during the last election for the county, 3316-3319——Satisfactory arrangements made for the conduct of the election, a large military force having been present; necessity of this precaution, 3321, 3322. 3335-3339. 3362——Doubt as to any voters of Mr. Waldron having been prevented from polling, though some complaints were made of voters having been impeded and injured in coming to the poll, 3323-3334——Reference to an address made to the people on the polling day by the Rev. Mr. O'Connell, 3346-3348. 3360, 3361——Particular instances of violence on the part of the mob, 3349-3359.

E.

Election of 1857. State of the poll at the election for the county of Tipperary in 1857, Mr. Waldron having been second on the poll, *p.* 94.

Elections of 1865. Statement of the numbers polled by the different candidates at the two elections in 1865, *Naylor* 3964, 3965.

Escort of Voters. Departure of witness from Lisheen for Thurles on the day of the election with about thirty-four voters under an escort of twenty troopers and some mounted police, *Cooper* 714-724——Large number of voters assembled at witness's house on the polling morning and accompanied by him and other gentlemen to Cashel under an escort of military and police, *Pennefather* 2232-2260——Information relative to the escort by witness and some troopers and police of some cars and voters from Mullinahone, &c., to Cashel on the night before the polling; interruption met with from a number of men at a place called South Lodge, *M'Loughlin* 2346-2365.——*See* also *Military and Police.*

Evidence for Petition. Denial that witness has been engaged in getting up evidence on the part of the present petition, *Macarty* 1977–1983——Examination as to the circumstances connected with the appearance of witness on the part of the petition, and as to the statement made on the subject to Mr. Bolton, solicitor, *Tulley* 2076–2141.

Expenditure. Statement as to witness, who keeps an inn at Fethard, having received about 26 *l.* from Mr. Edward Power before the election, which was distributed amongst people in the town, in order to give Captain White a good name, *Macarthy* 2579–2609——Witness heard that money was also given on Mr. Waldron's side, and was aware of drink having been given by his agents, *ib.* 2610–2614.

Distribution by witness in Fethard of about 23 *l.* before the election, in order to give Captain White a good name, the money having been given to witness by John Macarthy, *Bulbert* 2615–2623. 2625–2629——Reason for believing that the same thing was done on the side of Mr. Waldron, *ib.* 2624. 2630, 2631.

Statement as to witness having, by direction from agents of Mr. Waldron, employed a mob at Tipperary for the election day, and having distributed from 35 *l.* to 40 *l.* among them, which he had received from Mr. Bolton; question hereon, whether these payments were not made to persons employed for conducting voters to the poll, *Cunningham* 4149 *et seq.*

F.

Farrall, Robert. (Analysis of his Evidence.)—Statement as to witness, who is a car-driver, having been prevented by a mob from going with his car to the house of Mr. William Pennefather, at Ballylanigan, on the morning of the election, 2186–2201.

Fethard. See *Cloneen. Expenditure.*

Ffennell, Thomas. (Analysis of his Evidence.)—Statement as to Mr. Power, Captain White's agent, having said, on the 15th October, that he would smash every car and cut the traces of every car bringing in Captain Waldron's voters to Clonmel, 260–271——Conclusion of witness at the time that Mr. Power spoke in jest, though subsequently witness had reason to believe that his statement was made in earnest, 272–286.

Fitzgerald, John. Circumstance of John Fitzgerald, a tenant of witness, who intended to vote for Mr. Waldron, having stated that he was kidnapped, and obliged to vote for Captain White, *Purefoy* 786–799.

Fleming, John. (Analysis of his Evidence.)—Stipendiary magistrate; was in charge of the military at Nenagh during the last election for the county, 3223–3227——Absence of any greater excitement or violence at the last election than at several preceding ones, 3228–3233. 3247——Witness did not observe any cases of intimidation, and is not aware that any voter was prevented from polling, 3234, 3235. 3248——Investigation by witness of only one case of personal violence during the polling day, 3236–3246——Willingness evinced by those voters to go to the poll who were accompanied by the Roman Catholic clergy, the latter not interfering unduly, 3249-3256——Nature of witness's opportunities for seeing whether violence was committed in the town or at the poll; very large force of military and police adverted to hereon, 3257–3272.

Foley, Patrick. (Analysis of his Evidence.)—Information on the subject of the obstruction offered by a party of men to witness when proceeding with some cars to convey voters into Cashel on the polling day; stop put to his progress until it was too late to reach Cashel in time for polling, 2423 *et seq.*

Fraser, George. (Analysis of his Evidence.)—Was an agent of Captain White, and assisted in bringing up voters to the poll, 4086, 4087——Denial by witness that he was the leader of any hired mob, or that he pulled any voters off cars at Clogheen, in order to make them vote for Captain White, 4088–4109——Statement that witness saw no violence committed at Clogheen on the night before the election, 4110–4119——Explanation on the subject of a bill of indictment filed against witness, though his name does not appear in the informations sworn against certain persons; comment hereon on the circumstance of Mr. Bolton, agent for Mr. Waldron, being sessional solicitor for Tipperary, 4120–4125. 4132–4148——With regard to a band of music at Clogheen on the night before the election, witness, as agent, had nothing to do with it, 4126–4131.

French, the Honourable Martin Joseph. (Analysis of his Evidence.)—Was on duty at Cashel, as resident magistrate, on the day of the election, and states that, on the whole, the proceedings were not more tumultuous than at former elections, and that he saw no voter prevented from polling, 3927 *et seq.*——Large force in Cashel on the polling day, 3944–3946——Doubt as to the amount of violence displayed towards the party of voters who came with Mr. Pennefather before they reached the poll, 3955–3958.

Evidence, 1867—*continued.*

G.

Givans, Matthew. (Analysis of his Evidence.)—Statement as to witness and his father, who is blind, having started from Gleniva for Tipperary, where his father was going to vote for Mr. Waldron, and as to their having been forced to return, through the violence of a mob encountered on the road, 1800–1840.

Givans, Robert. (Analysis of his Evidence.)—Confirmation of the evidence of Matthew Givans; witness, who is a voter, having started with him and his father for Tipperary, in order to vote for Mr. Waldron, and having been compelled to retreat, through the violence of a mob, 1841–1880.

Gleeson, Rev. Hugh. Statement as to the Rev. Hugh Gleeson, Roman Catholic clergyman, having said publicly, in Templederry chapel, on Sunday, the 14th October, that any person voting for Mr. Waldron ought to be ducked in the river, *O'Ryan* 65-73. 111-118—— Witness was at Templederry chapel on Sunday, the 14th October, when the Rev. Hugh Gleeson asked the people from the altar to vote for Captain White, and said that Mr. Waldron ought to be ducked in the river, *Kennedy* 1053–1059.

See also *Personation.*

Gleeson, John. (Analysis of his Evidence.)—Statement to the effect that witness, whilst going to Cashel to vote for Mr. Waldron, was, with the rest of the party, stopped at Mullinahone, and did not vote at all, 2858 *et seq.*——Admission that witness was going to support Mr. Waldron merely in accordance with his landlord's request, and that, if he had tried, he probably might have got into Cashel in safety, 2885-2904.

H.

Hackett, Mr. Statement as to witness having seen Mr. Hackett acting as agent for Captain White, *Clarke* 139–164.

Head, Reverend Jonathan Christopher. (Analysis of his Evidence.)—Witness, who is a Protestant clergyman, voted at Nenagh for Mr. Waldron, without any interruption; he saw no violence committed, nor did he observe any of the Roman Catholic clergy exciting to violence, 3742–3782.

Henderson, Samuel. (Analysis of his Evidence.)—Particulars as to the attack of a mob in Cashel upon witness and a party of voters who were going to the poll for Mr. Waldron; severe injury received by witness, though he succeeded in recording his vote, 2632-2663.

Hodgins, James. (Analysis of his Evidence.)—Statement as to witness and about sixty voters having left Cloughjordin for Nenagh on the morning of the election to poll for Mr. Waldron: there were also three non-electors with the party, 1267–1280. 1296. 1332–1342——Particulars relative to the violent attack made on witness's party on their way to the poll, several of them having been struck with sticks or stones, 1281 *et seq.* ——Information on the subject of the violent treatment of witness, and his attempts to defend himself, and to return blow for blow; denial that he was the first to act on the offensive, 1292 *et seq.*——Circumstance of one of the voters who, accompanied by witness, having, by mistake, voted for Captain White, 1347–1352.

Hodgins, Mr. Contest between some of the mob at Nenagh and two of the Conservative voters of the name of Hodgins; impression that this originated with the latter, *Anderson* 1140-1143. 1163-1165. 1186-1197——Quiet behaviour of Mr. Hodgins when seen by witness on the polling day, *Waller* 1371–1378.

Hogan, John. (Analysis of his Evidence.)—Statement as to witness having gone to Thurles in order to vote for Mr. Waldron, as to his having been forced into Captain White's tally rooms, and having ultimately left Thurles without going to the poll, 942–986.

Hort, William Fitzmaurice Josiah. (Analysis of his Evidence.)—Detailed statement in connection with the escort of some voters from Cloneen who were to proceed *viâ* Fethard to Cashel, under charge of witness as magistrate, with an escort of military and police, 3460 *et seq.*——Question considered as to the means of getting these voters from Fethard into Cashel before the poll closed; denial by witness that he ever said the voters' lives would be in danger if they went on, 3463 *et seq.*——Particulars relative to the obstructions or walls built across the road in order to impede the progress of the cars and of the voters; absence practically of any violence, 3463. 3484–3491. 3515–3517.

Evidence, 1867—*continued.*

I.

Inflammatory Speeches. Witness, who is a police constable, was in Mullinahone on the evening before the last election for the county of Tipperary, and testifies to having heard some very violent public speeches in support of Captain White and in abuse of Mr. Waldron, *Tulley* 2021 *et seq.*——Excited state of the mob on hearing the speeches in question, *ib.* 2067–2075.

Witness testifies to having heard very violent and inflammatory language at some public speeches in Mullinahone on the day before the election; suggestion by one of the speakers that the harness of the cars conveying Mr. Waldron's voters should be cut, *Sayars* 2142–2164. 2176.

Explanatory statement relative to some speeches made by witness and other supporters of Captain White at Mullinahone; denial that violence was counselled, or that certain expressions of an inflammatory nature were used, *Cream* 4194 *et seq.*

Intimidation:

Statement by Mr. Power, agent for Captain White, that he did not care for a petition, and that he would carry the election by intimidation or coercion, *Maguire* 181 —— Circumstances under which it was stated by Mr. Power that he intended to carry Captain White's election by every means of intimidation, *O'Brien* 193 *et seq.*

Threatening language used by a Roman Catholic clergyman in witness's neighbourhood in connection with the polling of certain voters, *Pratt* 370–377——Statement by some voters to witness that, owing to their dread of the mob at Thurles, they did not vote at all, *O'Mara* 512, 513. 577——Inability of witness to cross from the court-house at Thurles to Mr. Waldron's tally rooms on account of the hostility of the mob towards him; statement hereon as to the way in which he had voted at former elections, *Daburgh* 665–670. 685–703—— Mention of the names of three voters who were separated from witness at Thurles, and who afterwards said they voted for Captain White through intimidation, *ib.* 671–684. 705—— Doubt whether the men generally of witness's party voted; list of the names of the party, *ib.* 704–708.

The voters at Thurles appeared very much alarmed through the violence of the mob, *Sheppard* 842——Rush of the crowd at Thurles upon witness's party when going to the poll, so that witness was pushed into Captain White's tally rooms, and eventually left Thurles without polling at all; question hereon whether he might not safely have voted for Mr. Waldron, *J. Ryan* 877–906——Intention of witness, who is a tenant of Lord Hawarden, to have voted at Thurles for Mr. Waldron had he not been forced by the mob into Captain White's tally rooms; he thought it safer on leaving these rooms to leave the town without voting at all, *D. Ryan* 907–941——Statement as to witness having gone to Thurles in order to vote for Mr. Waldron, as to his having been forced into Captain White's tally rooms, and having ultimately left Thurles without going to the poll, *Hogan* 942–986——Evident intimidation of the voters at Thurles by the mob, *Bayley* 1039, 1040.

Apparent reluctance of some of the electors at Nenagh to be led along by the priests, *Waller* 1360——Instance of a priest taking an elector along, and holding a Roman Catholic breviary before him, *ib.* 1360–1363.

Statement as to witness having gone from Templemore to Thurles to vote for Mr. Waldron, but having been deterred from going to the poll on account of the fury of the mob, *Mackey* 1603–1635—— Details as to witness and his father, who is blind, having started from Gleniva for Tipperary, where his father was going to vote for Mr. Waldron, and as to their having been forced to return through the violence of a mob encountered on the road, *M. Givans* 1800–1840——Confirmation of the evidence of Matthew Givans, witness, who is a voter, having started with him and his father for Tipperary in order to vote for Mr. Waldron, and having been compelled to retreat through the violence of a mob, *R. Givans* 1841–1880——Statement to the effect that witness, whilst going to Cashel to vote for Mr. Waldron, was with the rest of the party stopped at Mullinahone, and did not vote at all, *Gleeson* 2858 *et seq.*

Denial that witness counselled any resort to intimidation or violence, *The Most Rev. P. Leahy* 1519–1532. 1538–1541. 1553–1557.

Willingness evinced by those voters to go to the poll at Nenagh, who were accompanied by the Roman Catholic clergy, the latter not interfering unduly, *Fleming* 3249–3256——Witness, who is a parish priest, accompanied several voters of Captain White to the poll at Thurles, but positively denies having exercised any intimidation, or counselled any violence, *Cleary* 3526 *et seq.*——Denial by witness that he used any spiritual intimidation in order to coerce members of his congregation into voting for Captain White; explanation hereon as to an address by him from the altar of his chapel on the 14th October, *Magrath* 3625–3630. 3647–3665. 3670.

Part taken by witness before the election in aid of the cause of Captain White; denial that he used any spiritual intimidation, *Malone* 3680–3698——Denial that witness used any spiritual intimidation towards the voters in his congregation, *Scanlan* 3891–3905.

Witness

Evidence, 1867—*continued.*

Intimidation—continued.

Witness saw no intimidation on the part of the priests in Cashel, *O'Connell* 3918–3920; *Hon. M. J. French* 3936.

Resolution of the Committee that the influence exercised by the Roman Catholic clergy did not amount to the offence of undue influence as defined by law, *Rep.* iii.

See also *Ballinasloe. Cashel. Clogheen. Cloneen. Landlords. Nenagh. Riots. Roman Catholic Clergy. Thurles. Tipperary.*

J.

Jones, John Gore. (Analysis of his Evidence.)—Resident magistrate at Thurles; had charge of the Thurles polling district at the last election, 2942–2944——Considers that on the score of riot and violence the last election was very much like many other county elections attended by witness, 2945, 2946. 2995–3000——Very large force of military and police in Thurles on the polling-day, so that there was ample escort for the voters, 2947–2953.

Cross-examination with reference to the actual violence of the mob in Thurles and other places; several instances of voters for Mr. Waldron having been seriously injured, and of houses of his supporters having been damaged, 2954–2993.

K.

Kane, James. (Analysis of his Evidence.)—Attack made upon witness, Patrick Kane, and Edward Kane, at Cloneen, on their way to Cashel to vote for Mr. Waldron, the result being that they did not succeed in reaching Cashel at all on the polling-day, 2538–2550.

Kennedy, Daniel. (Analysis of his Evidence.)—Is a landowner at Ballahan, Tipperary, and a voter for the county, 1050–1052——Was at Templederry chapel on Sunday the 14th October, when the Rev. Hugh Gleeson asked the people from the altar to vote for Captain White, and said that Mr. Waldron ought to be ducked in the river, 1053–1059——On the polling-day witness acted as deputy sheriff at Nenagh, 1060, 1061——The voters for Captain White were almost invariably brought to the poll by the priests, of whom there were many present, 1062–1064——A person of the name of William Conghlan was brought to the poll by the Rev. Hugh Gleeson and the Rev. Peter Murphy, but on his vote being objected to, and the personation oath being offered to him, he was told by Mr. Murphy not to take the oath, 1067–1083.

Kenyon, Rev. Mr. Explanation as to witness, who seconded Captain White at the nomination, having spoken in rebuke of the Rev. Mr. Kenyon, Roman Catholic clergyman, a supporter of Mr. Waldron, *Scanlan* 3827–3842.

L.

Landlords. Circumstance of witness having accompanied his tenants to the poll, when they voted for Mr. Waldron in accordance with his wishes, *O'Brien* 242–251——Support given to Mr. Waldron by both Liberal and Conservative landlords in the county, *Butler* 352–360——Departure of witness by train from Dundrum to Thurles on the morning of the election, with a large number of voters to poll for Mr. Waldron, *Purefoy* 765–767.

Statement as to witness, who is a tenant of Lord Hawarden, having gone with other voters from Dundrum to Thurles to vote for Mr. Waldron, *J. Ryan* 861–867. 894——Statement as to witness and about sixty voters having left Clough Jordan for Nenagh on the morning of the election to poll for Mr. Waldron; there were also three non-electors with the party, *Hodgins* 1267–1280. 1296. 1332–1342.

Record of witness's vote in favour of Mr. Waldron, in accordance with his landlord's wishes, *Welsh* 2381–2384——It was in accordance with the wish of his landlord that witness was going to vote for Mr. Waldron, when he was stopped at Cloneen, *Brittan* 2818–2825. 2856, 2857—— Admission that witness was going to support Mr. Waldron merely in accordance with his landlord's request, and that if he had tried he probably might have got into Cashel in safety, *Gleeson* 2885–2904.

Support given to Mr. Waldron by several large landlords near Clonmel, *Bagwell* 3104–3111——Circumstance of one of Mr. Moore's tenants having acted for Mr. Waldron without the slightest interference, *Whittaker* 3974–3978. 3988–3991.

Lanigan, Mr. Serious injuries received on the polling day from the mob in Thurles by a gentleman of the name of Lanigan, *Shore* 610–612. 635.

Evidence, 1867—*continued.*

Leahy, The Most Rev. Patrick, D.D. (Analysis of his Evidence.)—Is Roman Catholic Archbishop in charge of the dioceses of Cashel and Emly, there being two other bishops having spiritual jurisdiction in Tipperary, 1381–1385——Active part taken by witness in election matters in the county, 1386——Support given by witness to Mr. Waldron at the elections of 1857 and 1859; 1387, 1388——Continued support given to Mr. Waldron by witness until shortly before the last election in October 1866; examination generally in support of this statement, 1388–1430.

Denial that witness was in any way led to oppose Mr. Waldron through his having accepted a seat at the Education Board, 1392–1408. 1512–1514——Readiness of witness in 1865 to support Mr. Waldron had he come forward in that year, 1409–1428——Statement to the effect that the sole ground upon which witness withdrew his support from Mr. Waldron was the change of party by the latter, he having gone over from the Liberal to the Conservative side; portions of his address adverted to hereon, 1429–1441. 1503–1511.

Assemblage of the clergy of witness's diocese on the 13th October 1866, under the presidency of witness, when a resolution was adopted calling upon the electors to support Captain White, 1442–1452——Examination upon the question of witness having suggested at the meeting on 13th October that the clergy should address their congregations on the following Sunday with reference to the election; explanation that witness instructed the clergy not to address the people in chapel, but only in the chapel yards, 1453–1477.——Disapproval of certain language said to have been used by some of witness's clergy from the platform of the altar, 1467–1474.

Rule in witness's diocese that the minority of the clergy are to be bound by the majority as regards the selection of any candidate for the county, and the public support to be given by the clergy; sole object of this rule to prevent scandal in the church, 1478–1489——Circumstance of the majority of the curates in witness's diocese being non-electors, whilst the parish priests are mostly voters, 1493–1502.

Reference to sundry letters from Mr. Waldron to witness as proving that the former acknowledged with thanks the support of witness at the very time when it has been inaccurately stated that witness was getting up an opposition against him; anxiety of witness that these letters should be read, 1515–1518. 1545–1552——Statement showing that instead of counselling intimidation or violence at the last election, witness publicly urged upon the people the observance of law and order, 1519–1532. 1538–1541. 1553–1557——Inaccuracy of a statement that Captain White was brought forward at the dictation of witness, 1533–1536——Explanation that certain meetings in support of Captain White were not convened at the instigation of witness, 1537. 1544.

Liberal Members. Circumstance of the county having for very many years always returned a Liberal Member, *Bagwell* 3081.

Lismore, Lord. Support of Mr. Waldron by Lord Lismore and his tenantry, *Bagwell* 3107–3111.

M.

Macarthy, John. (Analysis of his Evidence.)—Statement as to witness, who keeps an inn at Fethard, having received about 26 *l.* from Mr. Edmund Power before the election, which was distributed amongst people in the town in order to give Captain White a good name, 2579–2609——Witness heard that money was also given on Mr. Waldron's side, and was aware of drink having been given by his agents, 2610–2614.

Macarty, Florence. (Analysis of her Evidence.)—Great difficulty and obstruction experienced by witness and a party of Mr. Waldron's supporters in getting away from Clogheen on the polling morning; attack made by the mob, and dispersion of witness's party, 1956–1976——Doubt whether all the voters eventually escaped from the mob, or whether they all succeeded in polling at Clonmel, 1974–1976. 1984–1992——Denial that witness has been engaged in getting up evidence on the part of the present petition, 1977–1983.

M'Gee, Thomas. (Analysis of his Evidence.)—Was canvassing agent for Mr. Waldron, and on the morning of the election was proceeding with several cars and voters to Cashel, but was stopped by a furious mob at Ballinasloe, 2926–2934——The mob made a violent attack on witness's party, so that a retreat was absolutely necessary in order to escape with life, 2934–2939——On mustering his party after the attack, witness found that seven of the voters were missing, 2939–2641.

M'Keogh, Daniel. (Analysis of his Evidence.)—Witness, who is a surgeon at Nenagh, attended the voter, James Ryan, who was injured at Thurles during the election; submits grounds for concluding that the death of Ryan was not caused by this injury, 3407–3459.

Mackey,

Evidence, 1867—*continued.*

Mackey, Patrick. (Analysis of his Evidence.)—Statement as to witness having gone from Templemore to Thurles to vote for Mr. Waldron; but having been deterred from going to the poll on account of the fury of the mob, 1603–1635.

M'Loughlin, Roger. (Analysis of his Evidence.)—Is a sub-inspector of Constabulary; was stationed at Carrick-on-Suir at the time of the last election, 2316, 2317——Statement as to Captain White having publicly addressed the people in Carrick on the 17th October; excitement in the town on this occasion, 2316–2330——Information relative to the escort by witness and some troopers and police of some cars and voters from Mullinahone, &c. to Cashel on the night before the polling; interruption met with from a number of men at a place called South Lodge, 2346–2365.

McMahon Michael. (Analysis of his Evidence.)—Particulars relative to an attack by a mob at Cloneen upon some voters, under the escort of witness and other policemen on the morning of the election, the result being the dispersion of the voters, 2455–2465——Formidable obstructions encountered on the road near Cloneen, several walls or barricades having been thrown across to prevent the passage of voters on cars, 2466–2487.

M'Crath, Benjamin. (Analysis of his Evidence.)—Was present at Killenaule chapel on Sunday the 14th October 1866, and testifies to the Rev. Philip Scanlon having called upon the people from the pulpit to vote for Captain White, and having applied a term of reproach to those not supporting him, 2006–2020.

Magrath, Rev. Joseph. (Analysis of his Evidence.)—Is parish priest of Silvermines, near Nenagh; accompanied about thirty-six voters to the poll at Nenagh, in support of Captain White, 3605–3609——Statement as to several friends or relatives having gone to Nenagh with the voters, the whole party not exceeding 100, and behaving with the utmost order, 3610–3618. 3634–3644——Disposition of witness at the election to prevent violence, rather than to induce it, 3618. 3646——Circumstance of witness having been in Nenagh from about nine till four o'clock without seeing any rioting, 3619–3624. 3645, 3646.

Denial by witness that he used any spiritual intimidation in order to coerce members of his congregation into voting for Captain White; explanation, hereon, as to an address by him from the altar of his chapel on the 14th October, 3625–3630. 3647–3665. 3670——None of the Roman Catholic clergy at Nenagh were instrumental in causing violence, 3632, 3633——Practice generally for the relatives of voters to accompany them to the poll, 3666–3669.

Maguire, Philip. (Analysis of his Evidence.)—Statement as to Mr. Edmund Power, conducting agent for Captain White, having said, previously to the nomination, that on his side were the Roman Catholic clergy, who were the best agents in the world; persons present on this occasion, 165–184——Circumstance of Mr. Power having also stated that he did not care for a petition, as a dissolution was pending, and that he would carry the election by intimidation or coercion, 181.

[Second Examination.]—Great obstruction and violence experienced by the party of voters whom witness accompanied into Tipperary on the polling day; several instances of persons severely injured by the mob on the way to the poll, 1749–1790——Circumstance of Captain White's voters having been accompanied in cars by Roman Catholic priests, 1791–1795——Considerable rioting in the town on the way of witness and his party from the poll to the railway station, 1796–1799.

Maher, Rev. Mr. Speech made by the Rev. Mr. Maher, Roman Catholic curate of Mullinahone, in strong support of Captain White, and in reproach of Mr. Pennefather as one of those who intended to aid Mr. Waldron, *Tulley* 2059–2066.

Witness was present at Mullinahone chapel on the Sunday before the election, when the Rev. Mr. Maher called on the people not to vote for Mr. Waldron; there was also a meeting held by Mr. Maher after chapel was over on the subject of the election, *Pennefather* 2208–2222.

Malone, Rev. Eugene. (Analysis of his Evidence.)—Witness, who is a Roman Catholic clergyman, accompanied a party of Captain White's voters to the poll at Nenagh, and states that no violence was displayed by this party, and that he saw no rioting whilst at Nenagh, 3671–3679. 3699–3710——Part taken by witness before the election in aid of the cause of Captain White; denial that he used any spiritual intimidation, 3680–3698.

Meetings of Electors. With regard to a meeting of Liberal electors at Thurles on the 4th October, convened by Mr. Nicholas Maher, the number of influential persons present was comparatively small, *O'Ryan* 97–110. 122–124.

Explanation that certain meetings in support of Captain White were not convened at the instigation of witness, *The Most Rev. P. Leahy* 1537. 1544——Statement as to a certain meeting of Liberal electors at Thurles having been convened by Mr. Maher, formerly Member for the county, *Bagwell* 3070–3072.

Evidence, 1867—*continued.*

Military and Police. Large number of troops in Cashel on the polling day, *O'Connell* 93 —— Witness, who is a head constable in the Irish constabulary, had about thirty men with him at the court-house at Thurles on the day of election, *Shore* 581–584. 647–651 —— Necessity of the Dragoons in order to keep the entrance to the court-house clear, *ib.* 594 —— Serious injuries received by some of the police, *ib.* 595–599.

Large force of constabulary in addition to cavalry and infantry, located at Nenagh at the time of the last county election, *Anderson* 1086–1097 —— Very strong force of military and police at the polling booths at Nenagh, *Waller* 1380 —— Statement of the arrangements made in the town of Tipperary for the escort and protection of the voters, and the preservation of order at the election, *Wood* 1636–1655 —— Very large force of military and police in Thurles on the polling day, so that there was ample escort for the voters, *Jones* 2947–2953.

Very large force of military and police in Clonmel on the polling day, the town having been generally in a quiet state, *Bagwell* 3100–3103 —— Large force in Cashel on the polling day, *French* 3944–3946.

Mullinahone. Violence of a large mob at Mullinahone; stones having been thrown at witness and his party, and several persons having been struck; doubt whether all the voters succeeded in getting through, *Pennefather* 2261–2278.

See also *Inflammatory Speeches.* *Intimidation.*

Murphy, Jeremiah. (Analysis of his Evidence.)—Statement relative to the violence of the mob at Clogheen on the night before the last election and on the election night; prominent part taken in the rioting by John Murphy, 1917–1948 —— Greater violence at the last election than at former elections for the county, 1949–1955.

Murphy, John. (Analysis of his Evidence.)—Employment of witness to act as canvassing agent for Captain White in the Clogheen district at the last election, 1881–1885 —— Denial that witness fostered any rioting or any attacks upon the houses of Mr. Waldron's supporters, 1886–1916.

N.

Nenagh (*Riots and Intimidation*). Numerous bodies of men who came into Nenagh from different directions on the polling morning, many of them armed with bludgeons, and headed generally by the local Roman Catholic clergymen, *Anderson* 1098–1136 —— Great excitement in the town throughout the day, *ib.* 1138, 1139 —— Information relative to the violence of the mob, several persons having been struck with sticks or stones, *ib.* 1140–1168.

Statement relative to the violent attack made upon some voters from Limerick whom witness met at the Nenagh railway station, *J. Spaight* 1215–1220 —— Very severe blow received by witness in the head from a stone, so that a doctor had to dress the wound, *ib.* 1220–1222. 1225–1227. 1234–1237 —— Great difficulty with which witness and four voters from Limerick whom he knew, eventually reached the Court-house, where the four men all voted, *ib.* 1223. 1238.

Particulars relative to the violent attack made on witness's party on their way to the poll, several of them having been struck with sticks or stones, *Hodgins* 1281 *et seq.* —— Information on the subject of the violent treatment of witness, and his attempts to defend himself and to return blow for blow; denial that he was the first to act on the offensive, *ib.*, 292 *et seq.*

Witness did not observe any cases of intimidation at Nenagh, and is not aware that any voter was prevented from polling, *Fleming* 3234, 3235. 3248 —— Investigation by witness of only one case of personal violence during the polling-day, *ib.* 3236–3246 —— Nature of witness's opportunities for seeing whether violence was committed in the town or at the poll; very large force of military and police adverted to hereon, *ib.* 3257–3272.

Witness was in charge of a party of constabulary in Nenagh on the day of the election, and states that he saw no violence nor intimidation, and that the excitement was not any greater than at previons elections, *Reamsbottom* 3273 *et seq.* —— Statement as to several friends or relatives having gone to Nenagh with the voters, accompanied by witness, the whole party not exceeding 100 and behaving with the utmost order, *Magrath* 3610–3618. 3634–3644 —— Circumstance of witness having been in Nenagh from about nine till four o'clock without seeing any rioting, *ib.* 3619–3624. 3645, 3646.

Witness, who is a Roman Catholic clergyman, accompanied a party of Captain White's voters to the poll at Nenagh, and states that no violence was displayed by this party, and that he saw no rioting whilst at Nenagh, *Malone* 3671–3679. 3699–3710.

Statement as to witness, who is a clergyman of the Established Church, having voted at Nenagh for Mr. Waldron without experiencing or observing any violence or rioting, *Studdard* 3711–3741 —— Witness, who is a Protestant clergyman, voted at Nenagh for Mr.

Evidence, 1867—*continued.*

Nenagh (*Riots and Intimidation*)—continued.

Mr. Waldron without any interruption; he saw no violence committed, nor did he observe any of the Roman Catholic clergy exciting to violence, *Head* 3742-3782——Witness, who is a sub-inspector of constabulary, was at Nenagh on the polling-day, and, except on one occasion, saw no disturbance or riot, *Cruise* 3783-3812.

See also *Intimidation.* *Military and Police.* *Riots.*

O.

O'Brien, Dennis. (Analysis of his Evidence.)—Presence of witness, Mr. Thomas Ffennel, and Mr. Maguire at the Clonmel railway station on 15th October, when Mr. Edmund Power made certain remarks about the election, 185-192. 256-258——Statement by Mr. Power that he intended to carry Captain White's election by every means of intimidation in his power, 193——Examination to the effect that Mr. Power did not make this statement jestingly, and that witness believed the object of the remark was to intimidate himself and others against voting for Mr. Waldron, 194-241——Circumstance of witness having accompanied his tenants to the poll, when they voted for Mr. Waldron, in accordance with his wish, 242-251.

O'Brien, George. A wish was expressed by George O'Brien, of Cloneen, who was one of witness's party, that they might all be stopped on their way to poll for Mr. Waldron; witness did not hear anyone else of the party express himself similarly, *Brittan* 2826-2855.

O'Connell, Rev. Mr. Attendance of witness, who is a Roman Catholic, at Kilmoila Chapel on the Sunday before the last election for the county, the Rev. Mr. O'Connell having been the officiating clergyman, *Butler* 310-315——Address of Mr. O'Connell to the congregation after mass, when he denounced in strong language the supporters of Mr. Waldron, and urged the people to vote for Captain White, *ib.* 316-328——Statement upon the question of Mr. O'Connell having alluded to Mr. Waldron's change of politics; circumstance of some of the Roman Catholic clergy having formerly supported him, *ib.* 332-351.

Reference to an address made to the people on the polling day, in Tipperary, by the Rev. Mr. O'Connell, *Degernon* 3346-3348. 3360, 3361.

O'Connell, Martin John. (Analysis of his Evidence.)—Statement to the effect that the proceedings in Cashel on the polling day were tolerably quiet for an Irish election; witness saw no intimidation or violence committed, 3906-3926.

O'Mara, Valentine. (Analysis of his Evidence.)—Attorney, acted as agent for Mr. Waldron at Thurles, where he had the general supervision at the tally rooms, 481-487——Assemblage of a numerous and excited mob at the polling place, at the court house, by whom great violence was displayed towards Mr. Waldron's supporters, 488 *et seq.*——Circumstance of some of Mr. Waldron's supporters having been pulled into Mr. White's tally rooms, 495-514——Inability of witness to get the voters across from the court house to the tally rooms, or to get across himself for some hours, owing to the violence of the mob, 500-510.

Statement by some voters to witness that owing to their dread of the mob they did not vote at all, 512, 513. 577——Record of witness's vote late in the afternoon, there having been a lull in the excitement, and he having been for some time in the court house, 515-523. 571, 572——Inability of witness to mention the name of any voter who was prevented from going across to the tally rooms from the court house; that is, with the exception of James Ryan, who was afterwards killed, 524-540. 563-577——Amount of violence at the last election and at the previous election, respectively, 541-550. 568-570——Impression that James Ryan voted before he received the beating which resulted in his death, 551-563.

O'Ryan, John D. (Analysis of his Evidence.)—Is a voter for the county of Tipperary, and one of the petitioners in the present case, 11, 12——Return of Mr. Waldron for the county in 1857, and again in 1859, he having suesequently retired at the general election in 1865; 13-23——Details relative to the active part taken by the Roman Catholic Clergy of the county in support of Captain White at the last election; resolutions adopted at meetings held in Nenagh and Thurles in October, 28-64.

Statement as to the Rev. Hugh Gleeson having said publicly in chapel on Sunday the 14th October, that any person voting for Mr. Waldron ought to be ducked in the river, 65-73. 111-118——Circumstance of Mr. Waldron, who formerly represented the county on Liberal principles, having stated on the last occasion that he would give a qualified support to Lord Derby, 94-96. 119-121——With regard to a meeting of Liberal electors at Thurles, on the 4th October, convened by Mr. Nicholas Maher, the number of influential persons present was comparatively small, 97-110. 122-124.

Evidence, 1867—*continued.*

O'Shee, Nicholas. (Analysis of his Evidence.)—Detail of the circumstances under which witness, William Shee, and other voters who were going to Cashel to poll for Mr. Waldron, were stopped by a large party of men near Cloneen, and were prevented from reaching Cashel in time to vote, 2664 *et seq.*

P.

Pennefather, William. (Analysis of his Evidence.)—Is a magistrate for the county of Tipperary, resident near Mullinahone, 2202–2207——Was present at Mullinahone Chapel on the Sunday before the election, when the Rev. Mr. Mahar called on the people not to vote for Mr. Waldron; there was also a meeting held by Mr. Mahar after chapel was over on the subject of the election, 2208–2222——Belief that many of the Roman Catholic clergy were supporters of Mr. Waldron, 2223, 2224——On the nomination day witness proposed Mr. Waldron, 2226, 2227.

Difficulty experienced by witness in getting cars for the conveyance of voters from his place to Cashel, 2228–2232—— Large number of voters assembled at witness's house on the polling morning, and accompanied by him and other gentlemen to Cashel under an escort of military and police, 2232–2260——Violence of a large mob at Mullinahone, stones having been thrown at witness and his party, and several persons having been struck; doubt whether all the voters succeeded in getting through, 2261–2278—— Details relative to the violence experienced by witness and his party from a mob near Cashel; serious injuries inflicted on several voters, 2279–2309——Fear of witness to leave Cashel until the day after the poll, 2310–2312——Obstructions on the road near witness's house, 2313–2315.

Personation. A person of the name of William Coughlan was brought to the poll at Nenagh, by the Rev. Hugh Gleeson and the Rev. Peter Murphy, but on his vote being objected to, and the personation oath being offered to him, he was told by Mr. Murphy not to take the oath, *Kennedy* 1067–1083.

Placards. Issue of placards throughout the county embodying the resolutions of the Roman Catholic clergy in support of Captain White, *Clarke* 137, 138.

Police. See *Military and Police.*

Portroe Chapel. Collection of a large mob at Portroe Chapel on the morning of the election, *W. Spaight* 1245–1247.

Power, Edmund. Statement made by Mr. Edmund Power, Captain White's conducting agent, at the railway station in Clonmel as to the Roman Catholic clergy being on Captain White's side, and being the best agents in the world, *Maguire* 165–184——Mr. Power also said he would carry the election by intimidation, *ib.* 181.

Presence of witness, Mr. Thomas Ffennell and Mr. Maguire, at the Clonmel railway station on 15th October, when Mr. Edmund Power made certain remarks about the election; threat of intimidation held out by Mr. Power, *O'Brien* 185 *et seq.*—— Examination to the effect that Mr. Power did not make this statement jestingly, and that witness believed the object of the remark was to intimidate himself and others against voting for Mr. Waldron, *ib.* 194–241.

Circumstances under which Mr. Power said he would cut the traces or smash the cars, used for Mr. Waldron's voters, *Ffennell* 260–286.

Power, The Rev. Maurice. (Analysis of his Evidence.)—Parish priest of Anacarty; accompanied fifteen voters into Thurles on the polling day, there being also two non-voters, 4008–4016——Absence of any violence or obstruction by witness's party towards the supporters of Mr. Waldron; witness advised no such obstruction, but rather the contrary, 4018. 4030–4036——Explanation of the circumstances under which the voters who accompanied witness as well as some non-voters, were supplied with some whisky at Scarrow Cross, before starting for Thurles, 4019–4050——Details as to witness having addressed his congregation on the Sunday before the election both from the altar and in the chapel yard, with reference to the election, 4051–4084.

Power, Rev. Mr. Circumstance of the Rev. Mr. Power, Roman Catholic clergyman, having been present, and not having interfered during the attack of the mob on witness and other voters at the Thurles railway station, *Purefoy* 771–773.

Power, William. (Analysis of his Evidence.)—Witness, who is a surgeon, attended James Ryan of Glenpaden in his last illness, and states that Ryan died of congestion of the brain, which might have been caused by blows or injuries received at the election, 800–827.

Pratt, Robert. (Analysis of his Evidence.)—Is a tenant of Mr. Joseph Griffiths; resides at Hosmere, 361–364——Statement as to about thirty voters having been left at witness's house on the night before the polling; escort of these men to the poll, some of them having

Evidence, 1867—*continued.*

Pratt, Robert. (Analysis of his Evidence)—*continued.*

having been struck with stones before their return home, 368–373. 378-408—— Threatening language used by a Roman Catholic clergyman in witness's neighbourhood in connection with the polling of certain voters, 370–377.

Prior, Adam. (Analysis of his Evidence.)—Is proprietor of the "Nenagh Guardian" newspaper, 287——Produces the manuscript of a certain circular relative to the election, signed by the Roman Catholic bishop of Killaloe; this manuscript was received by witness early in October from Mr. James Kilkelly, who ordered thirty copies of it to be printed, 288–308.

Purefoy, Colonel Edward Bagwell. (Analysis of his Evidence.)—Is a landowner in Tipperary, 764——Departure of witness by train from Dundrum to Thurles on the morning of the election, with a large number of voters, to poll for Mr. Waldron, 765–767 ——Violent mob encountered by witness and his party at the Thurles railway station, several of the voters having been struck, 768–770——Circumstance of the Rev. Mr. Power, Roman Catholic clergyman, having been present, and not having interfered, during the attack of the mob at the railway station, 771–773——After leaving the station, witness and the other voters succeeded in reaching the polling place without further injury, though they were hooted at and pelted with mud by the mob, 774.

Statement showing the violence of the mob towards witness after he had polled, and on his return to the railway station, accompanied by three of his tenants, 774–785—— Violent blows received by James Ryan, of Glenpaden, a tenant of witness, so that he died about a fortnight afterwards, 777-780. 782——Murderous onslaught made upon witness, so that he probably should have been killed had he not taken refuge in a house, whence he was eventually escorted by some troopers to the station, 777. 780–785—— Circumstance of John Fitzgerald, a tenant of witness, who intended to vote for Mr. Waldron, having stated that he was kidnapped, and obliged to vote for Captain White, 786-799.

R.

Reamsbottom, Robert James. (Analysis of his Evidence.)--Was in charge of a party of constabulary in Nenagh on the day of the election, and states that he saw no violence nor intimidation, and that the excitement was not any greater than at previous elections, 3273 *et seq.*

Riots:

Statement as to about thirty voters having been left at witness's house on the night before the polling; escort of these men to the poll, some of them having been struck with stones before their return home, *Pratt* 368–373. 378-408——Violence of the mob at Thurles under the leadership of Captain Dudley Byrne, many of the persons composing this mob having come from Templemore, *Crawford* 417–432. 468-475——Amount of violence at the last election, and at the previous election, respectively, *O'Mara* 541–550. 568–570—— Numerous priests about the town of Thurles during the time the mob was so violent, *Cooper* 748–754.

Less riotous character of the last election at Nenagh than of the two previous ones: belief that this was owing to the large force of military and police on the last occasion, *Anderson* 1171–1175. 1198, 1199——Particulars relative to the rioting and violence in the town of Tipperary, several supporters of Mr. Waldron having been struck, *Maguire* 1766 *et seq.*——Greater violence at the last election than at former elections for the county, *Jeremiah Murphy* 1949–1955.

Statement by counsel for the Sitting Member that he did not dispute the fact that there were riots at particular points during the election, *p.* 45.

Statement showing that instead of counselling intimidation or violence at the last election, witness publicly urged upon the people the observance of law and order, *The Most Rev. P. Leahy,* 1519–1532. 1538–1541. 1553–1557.

Witness considers that on the score of riot and violence the last election was very much like many other county elections attended by witness, *Jones* 2945, 2946. 2995-3000—— Cross-examination with reference to the actual violence of the mob in Thurles and other places; several instances of voters for Mr. Waldron having been seriously injured, and of houses of his supporters having been damaged, *ib.* 2954–2993——Entire absence of any suggestions on the part of the clergy at the meeting at Thurles, that violence should be resorted to at the election, *Bagwell* 3078-3080.

Statement in detail as to witness having accompanied from Templemore to Thurles a party of Captain White's supporters; positive denial that he used any threatening language towards any of Mr. Waldron's voters, or gave the slightest encouragement to any violence

Evidence, 1867—*continued.*

Riots—continued.

violence or intimidation, *Byrne* 3112 *et seq.*——Absence of any greater excitement or violence at the last election than at several preceding ones, *Fleming* 3228–3233. 3247——Disposition of witness at the election to prevent violence rather than to induce it, *Magrath* 3618. 3646.

None of the Roman Catholic clergy at Nenagh were instrumental in causing violence, *Magrath* 3622. 3633——There was no display of excitement on the part of the Roman Catholic clergy at Nenagh, *Cruise* 3792–3797——The election was a very quiet one as regards Nenagh; large military force present, *ib.* 3809. 3814, 3815.

Entire absence of any violence by witness's party towards the supporters of Mr. Waldron, *Scanlan* 3822–3825——Absence of any violence or obstruction by witness's party towards the supporters of Mr. Waldron; witness advised no such obstruction, but rather the contrary, *Power* 4018. 4030–4036.

Resolution of the Committee that no such case of general riot has been proved as would make the election altogether null and void, *Rep.* iii.——Further resolution that serious disturbances took place at the polling places and in other localities, which materially interfered with the electors tendering their votes, *ib.*

See also *Ballinasloe. Cars* (*Conveyance of Voters*). *Cashel. Clogheen. Cloneen. Intimidation. Nenagh. Ryan, James* (*the late*). *Thurles. Tipperary.*

Roche, John. (Analysis of his Evidence.)—Escort by witness, and nine policemen under his charge, of some voters on their way to Cashel, when an attack was made upon them by a large mob at Cloneen, and the voters taken forcibly out of the cars; James Kane was one of these, 2551–2578.

Roman Catholic Clergy:

Details relative to the active part taken by the Roman Catholic clergy of the county in support of Captain White at the last election; resolutions adopted at meetings held in Nenagh and Thurles in October, *O'Ryan* 28–64——Copies of the "Tipperary Free Press" adverted to as containing certain resolutions of the Roman Catholic clergy of the county, in which the electors are urged to vote for Captain White, *Clarke* 127–136——Statement as to Mr. Edmund Power, conducting agent for Captain White, having said, previously to the nomination, that on his side were the Roman Catholic clergy, who were the best agents in the world; persons present on this occasion, *Maguire* 165–184——Witness, who is proprietor of the "Nenagh Guardian," produces the manuscript of a certain circular relative to the election, signed by the Roman Catholic bishop of Killaloe; this manuscript was received by witness early in October from Mr. James Kilkelly, who ordered thirty copies of it to be printed, *Prior* 288–308.

Circumstance of a Roman Catholic priest having been apparently presiding in the polling booths at Thurles, *Cooper* 746, 747——The voters for Captain White, at Nenagh, were almost invariably brought to the poll by the priests, of whom there were many present, *Kennedy* 1062–1064——Mention of some parish priests who took no active part in the election, *Anderson* 1136, 1137.

Excited conduct of a Roman Catholic priest, who was with a crowd of men at a public house between witness's place and Nenagh; statement as to two priests having been serving out supplies of whisky to these men, *W. Spaight* 1248–1257——Circumstance of the same priest who was in so excited a state at the public-house on the road to Nenagh, having been very quiet in the court-house later in the day, *ib.* 1258–1262——Witness testifies to the very active part taken by the Roman Catholic clergy at Nenagh on behalf of Captain White on the polling day; they were in fact doing the ordinary work of lay agents in bringing voters to the poll, *Waller* 1355–1363.

Active part taken by witness in election matters in the county, *The Most Rev. P. Leahy* 1386——Assemblage of the clergy of witness's diocese on the 13th October 1866, under the presidency of witness, when a resolution was adopted, calling upon the electors to support Captain White, *ib.* 1442–1452——Examination upon the question of witness having suggested, at the meeting on 13th October, that the clergy should address their congregations on the following Sunday with reference to the election; explanation that witness instructed the clergy not to address the people in chapel, but only in the chapel yards, *ib.* 1453–1477.

Rule in witness's diocese that the minority of the clergy are to be bound by the majority as regards the selection of any candidate for the county, and the public support to be given by the clergy; sole object of this rule to prevent scandal in the church, *The Most Rev. P. Leahy* 1478–1489——Disapproval of certain language said to have been used by some of witness's clergy from the platform of the altar, *ib.* 1467–1474——Circumstance of the majority of the curates in witness's diocese being non-electors, whilst the parish priests are mostly voters, *ib.* 1493–1502——Inaccuracy of a statement that Captain White was brought forward at the dictation of witness, *ib.* 1533–1536.

Statement as to witness, who keeps a public-house near the Cross of Scarragh, about nine

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ROMAN CATHOLIC CLERGY—continued.

nine miles from Tipperary, having, by order of the Rev. Mr. Power, supplied whisky and bread to several voters on the polling morning, *Sadler* 1558–1602——Circumstance of Captain White's voters having been accompanied in cars by Roman Catholic priests, *Maguire* 1791–1795——Belief that many of the Roman Catholic clergy were supporters of Mr. Waldron, *Pennefather* 2223, 2224.

In voting for Captain White at the last election, witness was not acting in any way under the influence or dictation of the Roman Catholic clergy, *Bagwell* 3053–3055——Belief that the Roman Catholic clergy had not interfered with reference to the election, previously to the meeting at Thurles, *ib.* 3073——Attendance of several Roman Catholic landowners of influence at the meeting at Thurles, when a general feeling was expressed in favour of an opposition to Mr. Waldron, *ib.* 3074–3077——Cross-examination upon the question whether previously to the meeting at Thurles, the clergy had not interfered or taken action in respect of the election, *ib.* 3092–3098.

Part taken by witness and by the Roman Catholic clergy generally in the county in opposition to Mr. Waldron, *Cleary* 3554–3558——Explanation as to witness having addressed his congregation from the altar in support of Captain White; belief that his curate did not do likewise, *ib.* 3559-3566——Practice generally for the priests or the agents to accompany the voters to the poll, *ib.* 3585–3591.

Witness, who is parish priest of Silvermines, near Nenagh, accompanied about thirty-six voters to the poll at Nenagh, in support of Captain White, *Magrath* 3605-3609——Witness is parish priest of Toomavara, accompanied about seventy voters for Captain White into Nenagh, the whole party numbering about 100, *Scanlan* 3816-3821——Details relative to the address by witness to his congregation on the Sunday before the election, in support of Captain White, and in disapproval of Mr. Waldron; statement as to witness having first spoken from the altar, and afterwards in the chapel-yard, *ib.* 3849 *et seq.*

Presence of witness in the chapel at Latton on the Sunday before the election, on which occasion the Rev. Mr. Magrath addressed the people from the altar in favour generally of the candidateship of Captain White, *Whittaker* 3992-4007——Explanation of the circumstance under which the voters who accompanied witness, as well as some non-voters, were supplied with some whisky at Scarragh Cross before starting for Thurles, *Power* 4019–4050——Details as to witness having addressed his congregation on the Sunday before the election, both from the altar and in the chapel-yard with reference to the election, *ib.* 4051–4084.

Resolution of the committee that previous to the election divers of the Roman Catholic clergy exercised their influence upon their congregations in a manner calculated to prejudice to free choice of the electors, but that such conduct on their part did not amount to the offence of undue influence as defined by law, *Rep.* iii.

See also *Gleeson, Rev. Hugh. Intimidation. Kenyon, Rev. Mr. Maher, Rev. Mr. O'Connell, Rev. Mr. Riots.*

Ryan, Dennis. (Analysis of his Evidence.)—Intention of witness, who is a tenant of Lord Hawarden, to have voted at Thurles for Mr. Waldron had he not been forced by the mob into Captain White's tally-rooms: he thought it safer, on leaving these rooms, to leave the town without voting at all, 907–941.

Ryan, James (the late). Impression that James Ryan voted at Thurles before he received the beating which resulted in his death, *O'Mara* 551–563——Violent blows received by James Ryan, of Glenpaden, a tenant of witness, so that he died about a fortnight afterwards, *Purefoy* 777–780. 782.

Witness, who is a surgeon, attended James Ryan, of Glenpaden, in his last illness, and states that Ryan died of congestion of the brain, which might have been caused by blows or injuries received at the election, *Power* 800–827——Witness, who is a surgeon at Nenagh, attended the voter, James Ryan, who was injured at Thurles during the election; submits grounds for concluding that the death of Ryan was not caused by this injury, *M'Keogh* 3407–3459.

Ryan, John. (Analysis of his Evidence.)—Statement as to witness, who is a tenant of Lord Hawarden, having gone with other voters from Dundrum to Thurles to vote for Mr. Waldron, 861–867. 894—— Great violence of the mob in Thurles on the day of election, 868-876. 892, 893——Rush of the crowd upon witness's party when going to the poll, so that witness was pushed into Captain White's tally-rooms, and eventually left Thurles without polling at all; question hereon whether he might not safely have voted for Mr. Waldron, 877–906.

Evidence, 1867—*continued.*

S.

Sadler, Clement. (Analysis of his Evidence.)—Statement as to witness, who keeps a public-house near the Cross of Scarragh, about nine miles from Tipperary, having, by order of the Rev. Mr. Power, supplied whisky and bread to several voters on the polling morning, 1558–1602.

Sargint, Robert. (Analysis of his Evidence.)—Acted as one of Mr. Waldron's agents at the election, 1993–1995 ——States that Mr. Slattery was an agent of Captain White, and appeared as attorney on behalf of some rioters at the Caher petty sessions, 1993–2005.

Sayars, Frederick. (Analysis of his Evidence.)—Testifies to having heard very violent and inflammatory language at some public speeches in Mullinahone on the day before the election; suggestion by one of the speakers that the harness of the cars conveying Mr. Waldron's voters should be cut, 2142–2164. 2176——Steps were taken by witness to procure cars for Mr. Waldron's voters, but the cars were not forthcoming, 2165–2173.

Scanlan, The Rev. John. (Analysis of his Evidence.)—Is parish priest of Toomavara; accompanied about seventy voters for Captain White into Nenagh, the whole party numbering about 100; 3816–3821 ——Entire absence of any violence by this party towards the supporters of Mr. Waldron, 3822–3825——Explanation as to witness, who seconded Captain White at the nomination, having spoken in rebuke of the Rev. Mr. Kenyon, Roman Catholic clergyman, a supporter of Mr. Waldron, 3827–3842——Details relative to the address by witness to his congregation on the Sunday before the election in support of Captain White, and in disapproval of Mr. Waldron; statement as to witness having first spoken from the altar and afterwards in the chapel-yard, 3849 *et seq.*——Denial that he used any spiritual intimidation towards the voters in his congregation, 3891–3905.

Scanlom, Rev. Philip. Witness was present at Killenaule chapel on Sunday the 14th October 1866, and testifies to the Rev. Philip Scanlom having called upon the people from the pulpit to vote for Captain White, and having applied a term of reproach to those not supporting him, *M'Craith* 2006–2020.

Sessional Crown Solicitor (Tipperary). Explanation on the subject of a bill of indictment filed against witness, though his name does not appear on the informations sworn against certain persons; comment hereon on the circumstance of Mr. Bolton, agent for Mr. Waldron, being sessional solicitor for Tipperary, *Fraser* 4120–4125. 4132–4148.

As sessional crown solicitor for the town of Tipperary, witness explains the circumstances connected with a certain bill of indictment against Mr. George Fraser, *Bolton* 4261–4265——For several years past witness has acted as election agent, under permission from the Attorney General for the time being, *ib.* 4266, 4267.

Shanahan, Patrick. (Analysis of his Evidence.)—Was proceeding to Cashel to vote for Mr. Waldron, but was stopped by a mob at Ballinasloe, and rendered senseless by a blow from a stone, so that he was unable to go on to Cashel, 2905–2925.

Shasby, William. (Analysis of his Evidence.)—Statement as to witness, who is a car-driver, having with two other car-drivers been stopped by some men at a place called South Lodge on the night before the election, when the wheels were taken from the cars so as to prevent the conveyance of certain voters to the poll, 2385–2422.

Shee, William. (Analysis of his Evidence.)—Statement in corroboration of the evidence of Nicholas O'Shee, as to the interference of a large mob at Cloneen having prevented O'Shee, witness, and some other voters from reaching Cashel in time for the polling, 2735 *et seq.*——Circumstance of witness having intended not to vote at all, 2771–2778.

Sheppard, Frank. (Analysis of his Evidence.)—Witness, who is an attorney, acted as agent for Mr. Waldron in the polling booths at Thurles, and testifies to the riotous and violent conduct of the mob towards Captain Waldron's supporters on the day of the election, 828–854 ——No application was made for an adjournment of the poll; witness would have made such application had there been rioting in the booths, 855–860.

Shore, Robert. (Analysis of his Evidence).—Is a head constable in the Irish constabulary; had about thirty men with him at the court-house at Thurles on the day of the election, 581–584. 647–651——Collection of a large and violent crowd outside the court-house, by whom all persons coming to vote for Mr. Waldron were very roughly treated, several having been struck with stones, sticks, &c., 585 *et seq.*——Necessity of the dragoons in order to keep the entrance to the court-house clear; 594 serious injuries received by some of the police, 595–599——Blow received by Mr. Gore Jones, the stipendiary magistrate, 608–610——Serious injuries received by a gentleman of the name of Lanigan, 610–612. 635.

Quarrel amongst the mob in the evening about the division of some money, 615–617 ——Violence of the mob in the night, so that witness had to charge with his men; circumstance of some of the men having loaded their guns, 618–631——Peaceable conduct of the voters on the side of Mr. Waldron, 637–646.

Slattery,

Evidence, 1867—*continued.*

Slattery, Mr. Witness states that Mr. Slattery was an agent of Captain White, and appeared as attorney on behalf of some rioters at the Caher petty sessions, *Sargint* 1993–2005.

Spaight, James. (Analysis of his Evidence.)—Resides at Limerick; is a voter for the county of Tipperary, 1200–1205——Went from Limerick to Nenagh in order to vote for Mr. Waldron, and polled early in the day, 1206–1214—— Statement relative to the violent attack made upon some voters from Limerick whom witness met at the Nenagh railway station, 1215–1220——Very severe blow received by witness in the head from a stone, so that a doctor had to dress the wound, 1220–1222. 1225–1227. 1234–1237—— Great difficulty with which witness and four voters from Limerick, whom he knew, eventually reached the court-house, where the four men all voted, 1223. 1238.

Spaight, William. (Analysis of his Evidence.)—Resides about nine miles from Nenagh; is a large landowner in Tipperary, 1239–1243——Collection of a large mob at Portroe chapel on the morning of the election, 1245-1247——Excited conduct of a Roman Catholic priest who was with a crowd of men at a public-house between witness's place and Nenagh; statement as to two priests having been serving out supplies of whisky to these men, 1248-1257——Circumstance of the same priest who was in so excited a state at the public-house on the road to Nenagh having been very quiet in the court-house later in the day, 1258–1262——Witness and his tenants succeeded in polling for Mr. Waldron, 1263-1266.

Spiritual Intimidation. See *Intimidation. Roman Catholic Clergy.*

Strange, Thomas. Statement as to witness having attended the nomination in Clonmel, and having seen Mr. Strange in the court-house on that day, and having also seen him on the polling day acting as agent for Captain White, *Clarke* 139–164——Statement as to Mr. Strange, in a speech at Mullinahone, having told the people to cut the traces of the cars, so as to prevent Mr. Waldron's voters going to the poll, *Tulley* 2057, 2058; *Sayars* 2152–2162. 2176–2185——Witness, who was an agent for Captain White at the last election, positively denies having said in a speech at Mullinahone that the people should cut the traces and smash the cars conveying Mr. Waldron's voters, *Strange* 4230 *et seq.*

Studdard, Rev. Francis. (Analysis of his Evidence.)—Witness, who is a clergyman of the Established Church, voted at Nenagh for Mr. Waldron without experiencing or observing any violence or rioting, 3711–3741.

Switzer, Richard. Severe beating received in Cashel on the polling day by Richard Switzer, a voter for Mr. Waldron, *Henderson* 2656–2660.

T.

Thurles (*Riots and Intimidation*). Escort of witness and other voters from the railway station at Thurles to the poll, where they arrived with great difficulty, on account of the onslaught made upon them by the mob, *Crawford* 417-443——Severe blow received by witness from a stone thrown at him in the railway carriage on his return from polling, *ib.* 447-454——Mention of several supporters of Mr. Waldron who were struck with stones or sticks, and were seriously hurt; particulars hereon, *ib.* 455-467——Statement to the effect that witness is not aware whether any of the rioters who travelled with him from Templemore to Thurles were actually prevented from voting by the mob, *ib.* 476–480.

Assemblage of a numerous and excited mob at the polling place at the court-house, by whom great violence was displayed towards Mr. Waldron's supporters, *O'Mara* 488 *et seq.* ——Circumstance of some of Mr. Waldron's supporters having been pulled into Mr. White's tally-rooms, *ib.* 495–514——Inability of witness to get the voters across from the court-house to the tally-rooms, or to get across himself for some hours, owing to the violence of the mob, *ib.* 500–510——Record of witness's vote late in the afternoon, there having been a lull in the excitement, and he having been for some time in the court-house, *ib.* 515–523. 571, 572——Inability of witness to mention the names of any voter who was prevented from going across to the tally-rooms from the court-house; that is, with the exception of James Ryan, who was afterwards killed, *ib.* 524–540. 563–577.

Collection of a large and violent crowd outside the court-house, by whom all persons coming to vote for Mr. Waldron was very roughly treated, several having been struck with stones and sticks, *Shore* 585 *et seq.*——Quarrel amongst the mob in the evening about the division of some money, *ib.* 615–617——Violence of the mob in the night, so that witness had to charge with his men; circumstance of some of the men having loaded their guns, *ib.* 618–631——Peaceable conduct of the voters on the side of Mr. Waldron, *ib.* 637–646.

Evidence, 1867—*continued.*

Thurles (*Riots and Intimidation*)—continued.

Violent attack made by a mob in Thurles upon witness and a party of fourteen or fifteen voters who were accompanying him to the poll on the day of the last election, *Daburgh* 655-663——Serious blow received by witness, so that he was stunned, *ib.* 657-659. 704——Dispersion of witness's party by the mob, only two or three having remained with him until, by the aid of the police, the court-house was reached, *ib.* 660-664.

Great difficulty experienced by witness and his party in reaching the tally-rooms of Mr. Waldron, and in subsequently getting to the court-house to poll, owing to the violence of the mob in Thurles, *Cooper* 725-734——Circumstance of witness and several others having been struck by the crowd, *ib.* 735-740——Indirect route taken by witness on leaving the court-house in order to escape the mob, *ib.* 741-745——Belief that all the voters who accompanied witness succeeded in polling, *ib.* 761.

Violent mob encountered by witness and his party at the Thurles railway station, several of the voters having been struck, *Purefoy* 768-770——After leaving the station witness and the other voters succeeded in reaching the polling place without further injury, though they were hooted at and pelted with mud by the mob, *ib.* 774——Statement showing the violence of the mob towards witness after he had polled and on his return to the railway station, accompanied by three of his tenants, *ib.* 774-785——Murderous onslaught made upon witness, so that he probably should have been killed had he not taken refuge in a house, whence he was eventually escorted by some troopers to the railway station, *ib.* 777. 780-785.

Witness, who is an attorney, acted as agent for Mr. Waldron in the polling booths at Thurles, and testifies to the riotous and violent conduct of the mob towards Captain Waldron's supporters on the day of the election, *Sheppard* 828-854——Great violence of the mob in Thurles on the day of the election, *J. Ryan* 868-876. 892, 893——Particulars relative to the violence of the mob in Thurles on the polling day towards a party of Lord Hawarden's voters, who went from Dundrum in order to poll for Mr. Waldron, *Bayley* 987 *et seq.*——Particular instances of voters who were struck and seriously injured by the mob, *ib.* 997-1002. 1026-1028——Attack by the mob on the party of voters accompanied by witness when the latter were returning from the court-house to the railway station; charge made by the dragoons on this occasion, *ib.* 1017-1025. 1041, 1042.

Witness voted at Thurles for Mr. Waldron without any molestation from the mob; did not see any other voters molested, but considers there may have been a certain amount of intimidation exercised, *Couser* 3001-3045——Considerable excitement in Thurles on the polling day, though witness did not observe any acts of violence, *Byrne* 3143-3151. 3171-3175. 3199-3211.

See also *Adjournment of the Poll. Intimidation. Military and Police. Riots. Ryan, James* (*the late*).

Tipperary. Details relative to the state of the town of Tipperary on the polling day, and the violence of the mob towards the supporters of Mr. Waldron; numerous instances of voters and others having been struck with stones, *Wood* 1656 *et seq.*——Great obstruction and violence experienced by the party of voters whom witness accompanied into Tipperary on the polling day; several instances of persons severely injured by the mob on the way to the poll, *Maguire* 1749-1790——Considerable rioting in the town on the way of witness and his party from the poll to the railway station, *ib.* 1796-1799.

Satisfactory arrangements made at Tipperary for the conduct of the election, a large military force having been present; necessity of this precaution, *Degernon* 3321, 3322. 3335-3339. 3362——Doubt as to any voters of Mr. Waldron having been prevented from polling; the same complaints were made of voters having been impeded and injured in coming to the poll, *ib.* 3323-3334——Particular instances of violence on the part of the mob, *ib.* 3349-3359.

Witness was in charge as magistrate of portion of the town of Tipperary on the polling day, and states that quietness generally prevailed, and that, except some voters under escort, the supporters of Mr. Waldron were unmolested and polled without difficulty, *Dawson* 3363-3406——Witness who is land agent for Mr. Charles Moore, was in Tipperary throughout the day of the election, and states that there was no impediment offered to the voters of Mr. Waldron, nor was there any rioting, *Whittaker* 3966-3987.

Tulley, Joseph. (Analysis of his Evidence.)—Police constable; was in Mullinahone on the evening before the last election for the county of Tipperary, and testifies to having heard some very violent public speeches in support of Captain White, and in abuse of Mr. Waldron, 2021 *et seq.*——Speech made by the Rev. Mr. Maher, Roman Catholic curate of Millinahone, in strong support of Captain White, and in reproach of Mr. Pennefather, as one of those who intended to aid Mr. Waldron, 2059-2066——Excited state of the mob on hearing the speeches in question, 2067-2075.

Examination as to the circumstances connected with the appearance of witness on the part of the petition, and as to the statement made on the subject to Mr. Bolton, solicitor, 2076-2141.

Evidence, 1867—*continued.*

U.

Undue Influence. Resolution of the Committee that the influence exercised by the Roman Catholic clergy did not amount to the offence of undue influence as defined by law, *Rep.* iii.——*See* also *Intimidation. Riots. Roman Catholic Clergy.*

W.

Waldron, Mr. Return of Mr. Waldron for the county in 1857, and again in 1859, he having subsequently retired at the general election in 1865, *O'Ryan* 13-23——Circumstance of Mr. Waldron, who formerly represented the county on Liberal principles, having stated on the last occasion that he would give a qualified support to Lord Derby, *ib.* 94-96. 119-121.

Support given by witness to Mr. Waldron at the elections of 1857 and 1859, *The Most Rev. P. Leahy* 1387, 1388——Continued support given to Mr. Waldron by witness until shortly before the last election in October 1866; examination generally in support of this statement, *ib.* 1388-1430——Denial that witness was in any way led to oppose Mr. Waldron through his having accepted a seat at the Education Board, *ib.* 1392-1408. 1512-1514——Readiness of witness in 1865 to support Mr. Waldron, had he came forward in that year, *ib.* 1409-1428.

Statement to the effect that the sole ground upon which witness withdrew his support from Mr. Waldron was the change of party by the latter, he having gone over from the Liberal to the Conservative side; portions of his address adverted to hereon, *The Most Rev. P. Leahy* 1429-1441. 1503-1511——Reference to sundry letters from Mr. Waldron to witness as proving that the former acknowledged with thanks the support of witness at the very time when it has been inaccurately stated that witness was getting up an opposition against him; anxiety of witness that these letters should be read, *ib.* 1515-1518. 1545-1552.

Support given by witness to Mr. Waldron previously to the last election, when, through Mr. Waldron having changed his political views, witness voted, as he always had done, on the Liberal side, *Bagwell* 3050-3067. 3085-3091.

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TO THE

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

TIPPERARY ELECTION PETITION.

(1867.)

Ordered, by The House of Commons, *to be Printed*,
8 *April* 1867.

211—I.

Under 3 *oz.*

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

WATERFORD COUNTY ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1867.)

Ordered, by The House of Commons, *to be Printed,*
5 *April* 1867.

Friday, 22nd March 1867.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Waterford:—

Richard Arkwright, Esq.	Henry Riversdale Grenfell, Esq.
George Cubitt, Esq.	Lewis Llewellyn Dillwyn, Esq.

HUGH EDWARD ADAIR, Esq., Chairman.

Monday, 25th March 1867.

Ordered, THAT the Petition relative to the said Election be referred to the Committee.

Ordered, THAT the said Committee do meet To-morrow, at Eleven o'clock in one of the Committee Rooms of the House.

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REPORT.

WATERFORD COUNTY ELECTION COMMITTEE.

Wednesday, 3rd April 1867.

THE HOUSE informed, that the Committee had determined,—

That Edmond de la Poer, esquire, was duly elected a Knight of the Shire to serve in this present Parliament.

The House further informed, that the Committee had agreed to the following Resolutions:—

That no case of general riot at the last election was proved as would make the said Election altogether null and void.

That no evidence was adduced before the Committee in regard to corrupt practices at the last Election.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 26th March 1867.

NAMES of the Members called over;—all present.

Room cleared. The Committee deliberated, and agreed to the following Resolutions:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. That the Committee expect that with respect to cases of bribery, or offers, or promises of money, or other valuable consideration, which it is intended to bring home to the Sitting Member or his agents, the Counsel for the Petitioners will now state the names of the Electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognizant.

5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

8. That no person shall be examined as a witness, who shall have been in the room during any of the proceedings (with the exception of the agents, whose names shall be handed in,) without the special leave of the Committee.

9. That the Committee will only allow one Counsel to address them on opening the case, and one counsel on the summing up.

10. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

11. That with respect to objected votes the Committee expect Counsel to exhaust one class of objections before proceeding to another.

12. Inasmuch as the law applicable to the evidence necessary to establish a charge of treating differs from that applicable to bribery, the Committee are of opinion that the part of the petition which relates to treating, shall be proceeded with previous to any evidence being adduced with regard to bribery. They, therefore, request that Counsel will confine themselves in the first instance, to the charge of treating.

Parties called in, and informed of the above Resolutions.

The Petition of Honourable *Walter Cecil Talbot*, complaining of an undue election and return for the County of Waterford, was read.

Counsel for the Petitioner: Mr. *Mundell*, Q. C., Mr. *Harris*, Q. C., Mr. *R. Bourke*, Mr. *Stephens*, and Mr. *Hale*.

Agents:—Messrs. *Holmes & Co.*, and Mr. *Joseph Honour.*

Counsel for the Sitting Member:—Mr. *O'Malley*, Q. C., and Mr. *Waters.*

Agents:—Messrs. *Baker*, Mr. *O'Donnell*, and Mr. *Slattery.*

Mr. *Mundell* opened the case for the Petitioner, and abandoned the charges of bribery, and treating.

The Short-hand writer was sworn by the Chairman.

Mr. *O'Malley* stated, that no list of those persons who were alleged to have been unduly influenced had been handed in; according to the sixth Resolution passed by the Committee.

Mr. *Mundell* applied to be allowed to hand in such list to-morrow morning.

Mr. *O'Malley* was heard against the application.

Room cleared.

The Committee deliberated, and granted the application.

James Richard Naylor, sworn and examined; produced writ and return for the last election for the County of Waterford.

Ralph Cusack, sworn; produced 12 poll books of the last election for the County of Waterford.

Rev. *Charles Fry*, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris.*

[Adjourned till To-morrow, at Eleven o'clock.

Wednesday, 27th March 1867.

NAMES of the Members called over;—all present.

Another Short-hand writer was sworn by the Chairman.

Rev. *Charles Fry*, recalled, and made personal explanation.

Abraham Coates, sworn; examined by Mr. *Harris*; cross-examined by Mr. *Waters.*

The Committee obtained leave from the House to adjourn at its rising this day, until Friday, on account of the domestic affliction of one of the Members.

Abraham Coates, further cross-examined by Mr. *Waters*; re-examined by Mr. *Harris.*

Cornet *Maddock M'Clean*, sworn; examined by Mr. *Stephens*; cross-examined by Mr. *Waters*; re-examined by Mr. *Stephens.*

Captain *Betty*, sworn; examined by Mr. *Harris*; cross-examined by Mr. *Waters.*

Richard Cooney, sworn; examined by Mr. *Bourke*; cross-examined by Mr. *Waters.*

Maurice Trotty, sworn; examined by Mr. *Stephens*; cross-examined by Mr. *Waters*; re-examined by Mr. *Stephens.*

James Fenton, sworn; examined by Mr. *Harris*; cross-examined by Mr. *Waters.*

Edmond Nugent, sworn; examined by Mr. *Bourke*; cross-examined by Mr. *Waters*; re-examined by Mr. *Bourke.*

John Edward Channer, sworn; examined by Mr. *Stephens*; cross-examined by Mr. *Waters*; re-examined by Mr. *Stephens.*

[Adjourned to Friday next, at Eleven o'clock.

Friday, 29th March 1867.

NAMES of the Members called over;—all present.

Abraham Coates, recalled; and further examined by Mr. *Harris*; cross-examined by Mr. *O'Malley.*

James Daltrey Dowsley, sworn; examined by Mr. *Burke*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris.*

Captain *Kean*, sworn; examined by Mr. *Mundell*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Mundell*.

Charles Orpen, sworn; examined by Mr. *Burke*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris*.

William Orpen, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris*.

Captain *Cavendish Orred*, sworn; examined by Mr. *Bourke*; cross-examined by Mr. *Waters*; re-examined by Mr. *Mundell*.

Richard Keane, sworn; examined by Mr. *Mundell*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Mundell*.

Samuel R. Fitzgerald, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris*.

[Adjourned till To-morrow, at Eleven o'clock.

Saturday, 30*th March* 1867.

Names of the Members called over;—all present.

Captain *Orred*, recalled, and made a personal explanation.

Joseph Halleran, sworn; examined by Mr. *Harris*; cross-examined by Mr. *Waters*.

John Dalton, sworn; examined by Mr. *Bourke*.

John Power, sworn; examined by Mr. *Stephens*.

Thomas Walter Poole, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris*.

John Hartnett, sworn; examined by Mr. *Mundell*.

On the question being asked, "From whom did you receive that bill?"

Mr. *O'Malley* objected to the question, on the ground that the placard had not yet been in any way connected with a proved agent.

Mr. *Mundell* was heard against the objection.

Mr. *O'Malley* was heard in reply.

Room cleared. The Committee deliberated, and decided that the question could be put.

The placard was tendered in evidence.

Mr. *O'Malley* objected to its being handed in before the witness had been cross-examined.

Mr. *Mundell* contended that the cross-examination should be confined to the authenticity of the placard.

Mr. *O'Malley* was heard on that point.

The Committee decided that the cross-examination should be confined to that point prior to the placard being handed in.

The witness was cross-examined on the placard by Mr. *O'Malley*.

The placard was handed in, and read.

Ambrose Hunt, sworn; examined by Mr. *Stephens*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Stephens*.

Mr. *Thomas O'Donoghue*, sworn; examined by Mr. *Bourke*.

On the question being asked, "Were there at that time three voters, whose names you knew, in the house?"

Mr. *O'Malley* objected to any evidence in this case being treated as evidence of abduction.

Mr. *Mundell* was heard in answer to the objection.

Mr. *O'Malley* was heard in reply.

Room

Room cleared. The Committee deliberated, and decided to treat the evidence as evidence of riot only.

Examination continued; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Bourke*

[Adjourned to Monday next, at Eleven o'clock.

Monday, 1st April 1867.

NAMES of the Members called over;—all present.

George Orme Malley, sworn; examined by Mr. *Mundell*; cross-examined by Mr. *O'Malley*.

Charles Langley, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris*.

Rev. *Thomas Power*, sworn; examined by Mr. *Stephens*; cross-examined by Mr. *O'Malley*.

John Prendergast, sworn; examined by Mr. *Mundell*; cross-examined by Mr. *Waters*; re-examined by Mr. *Mundell*.

Michael O'Donnell, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris*.

Matthew Parker, sworn; examined by Mr. *Mundell*.

On the question being asked, "You have spoken in that room about the subject of the Election?"—

Mr. *O'Malley* objected to the question on the ground that what Mr. *Slattery* said to the witness was not evidence.

Mr. *Mundell* was heard against the objection.

Mr. *O'Malley* was heard in reply.

Room cleared, the Committee deliberated.

Motion made, and question put, "That the agency of Mr. *Slattery* is proved."—(Mr. *Grenfell*.)

The Committee divided—

Ayes, 3.	Noes, 2.
Mr. Arkwright.	Mr. Dillwyn.
Mr. Cubitt.	Mr. Adair.
Mr. Grenfell.	

Parties called in, and informed of the decision of the Committee.

Examination resumed.

[Adjourned to To-morrow, at Eleven o'clock.

Tuesday, 2nd April 1867.

NAMES of the Members called over;—all present.

Matthew Parker, recalled; further examined by Mr. *Mundell*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Mundell*.

David Power, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Harris*.

Thomas Hayes, sworn; examined by Mr. *Bourke*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Bourke*.

John Tobin, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*.

William Jordan, sworn; examined by Mr. *Bourke*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Bourke*.

Martin Walsh, sworn; examined by Mr. *Bourke*.

David Shannon, sworn; examined by Mr. *Harris*; cross-examined by Mr. *Waters*.

Michael Foran, sworn; examined by Mr. *Bourke*.

Timothy Henebury, sworn; examined by Mr. *Harris*.

On the question being asked, "Who were these men?"—

Mr. *O'Malley* objected that the names of the people were not essential for evidence of riot.

Mr. *Harris* was heard against the objection.

Mr. *O'Malley* was heard in reply.

The Committee decided that the question could not be put.

James Cullineane, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*.

Patrick Foran, sworn; examined by Mr. *Harris*.

David Delahunty, sworn; examined by Mr. *Harris*.

Matthew Purcell, sworn; examined by Mr. *Harris*.

William Craydon, sworn; examined by Mr. *Harris*.

John Bryan, sworn; examined by Mr. *Harris*.

Edward Kennedy, sworn; examined by Mr. *Stephens*.

[Adjourned to To-morrow, at Eleven o'clock.

Wednesday, 3rd April 1867.

NAMES of the Members called over;—all present.

Edward Kennedy; recalled, and further examined by Mr. *Stephens*.

Sir Robert Joshua Paul, sworn; examined by Mr. *Harris*; cross-examined by Mr. *O'Malley*.

Mr. *Harris* stated that that was the case for the Petitioners.

Mr. *Harris* summed up the evidence for the Petitioners.

Mr. *O'Malley* was heard on behalf of the Sitting Member.

Room cleared;—the Committee deliberated.

Resolution of the Committee, of the 1st day of April, read, as follows:—"That the agency of Mr. *Slattery* is proved."

Motion made and Question—That the said Resolution be rescinded—(Mr. *Cubitt.*)—Put, and agreed to.

Motion made and Question put—That a *primâ facie* case of the agency of Mr. *Slattery* is proved;—(Mr. *Grenfell.*)—The Committee divided:—

Ayes, 3.	Noes, 2.
Mr. Arkwright.	Mr. Dillwyn.
Mr. Cubitt.	Mr. Adair.
Mr. Grenfell.	

Resolved—(1.) That a *primâ facie* case of the agency of Mr. *Slattery* is proved.

Motion made and Question put—That no case of general riot at the last election for the County of Waterford was proved as would make the said election altogether null and void—(Mr. *Grenfell.*)—The Committee divided.

Ayes, 3.	Noes, 2.
Mr. Grenfell.	Mr. Arkwright.
Mr. Dillwyn.	Mr. Cubitt.
Mr. Adair.	

Resolved—(2.) That no case of general riot at the last Election for the County of Waterford was proved, as would make the said Election altogether null and void.

Motion

Motion made, and Question put — That *Edmond de la Poer*, Esq., was duly elected a Knight of the Shire to serve in this present Parliament for the County of Waterford— (Mr. *Dillwyn.*)—The Committee divided.

Ayes, 3.	Noes, 2.
Mr. Grenfell.	Mr. Arkwright.
Mr. Dillwyn.	Mr. Cubitt.
Mr. Adair.	

Resolved—(3.) That *Edmond de la Poer*, Esq., was duly elected a Knight of the Shire to serve in this present Parliament for the County of Waterford.

Resolved—(4.) That no evidence was adduced before the Committee in regard to corrupt practices at the last Election.

Parties called in, and informed of the foregoing Resolutions.

Ordered, that Resolutions 2, 3, and 4 be reported to the House.

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MINUTES OF EVIDENCE.

Tuesday, 26th March 1867.

HUGH EDWARD ADAIR, Esq., in the Chair.

JAMES RICHARD NAYLOR, Esq., was called in; and, having been sworn, was Examined by Mr. *Harris*, as follows:

J. R. Naylor, Esq.

26 March 1867.

1. YOU are Chief Clerk of the Crown, I believe?—I am.

2. Do you produce the return for the last election for the county of Waterford?—I do.

3. And the writ?—The writ and the return.

[The Witness withdrew.

RALPH SMITH CUSACK, Esq., was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

R. S. Cusack, Esq.

4. I BELIEVE you are Clerk of the Crown and Hanaper for Ireland?—I am.

5. Are those the poll books for the last election for the county of Waterford?—They are; there are 12 poll books (*producing the same*).

6. Will you hand them in?—I will (*the same were handed in*).

[The Witness withdrew.

The Reverend CHARLES FRY was called in; and, having been sworn, was Examined by Mr. *Harris*, as follows:

Rev. *C. Fry*.

7. ARE you a clergyman?—Yes.

8. Of the Church of England?—Yes.

9. Do you reside at Ballymacarbry, in the county of Waterford?—I do.

10. And you are a voter of the county of Waterford?—I am.

11. Were you so in the month of December last?—I was.

12. Do you recollect having left Ballymacarbry on the morning of the day before the polling day?—I do.

13. By the *Committee.*] Where is your residence?—At Ballymacarbry.

14. But whereabouts?—It is not marked here, but it is just here, I should say (*pointing to the map*).

15. Mr. *Harris.*] Do you recollect leaving Ballymacarbry on the morning of the 28th of December?—I do.

16. Did you go on a car or in a carriage; what description of vehicle did you go in?—I went in a carriage.

17. Which carriage had come from Clonmel?—I believe so.

18. Were you with Mr. Abraham Coates and some of the Stradbroke tenantry?—Yes, I formed one of the party.

19. Was the party accompanied by any military?—Yes, by a troop of Dragoons and Carbineers.

20. Was there any resident magistrate in company with the Dragoons?—Yes, Mr. Warburton.

21. Do you know a place called Berry's Cross, which is on the way from Ballymacarbry to the town of Dungarvan?—Quite well.

22. Where were you going when you left Ballymacarbry?—I was going to Dungarvan to vote for Captain Talbot.

23. Dungarvan is the polling place, I believe, for the barony of Glenahiry?—Yes.

24. Was there a Mr. Prendergast, an attorney from Clonmel, who was in your company, and who had come from Clonmel?—Yes.

25. Do you recollect walking with Mr. Prendergast off the main road, down in the direction of Lackandarra Lodge?—Yes.

26. Do you know the situation of Lackandarra Lodge?—Yes.

27. Do you happen to be able to tell the Committee

Rev. *C. Fry.*
26 March 1867.

mittee about how far Berry's Cross is from Lakandarra Lodge?—I should say so; I should suppose it may be an English mile and a half.

28. Had you remained long at Berry's Cross before you walked down in the direction of Lackandarra Lodge with Mr. Prendergast, and how long?—Exactly 15 minutes, I should say.

29. Were the cars then driven up along the road to Berry's Cross?—They were.

30. I wish to call you back for a moment; do you recollect whether all the cars that came from the direction of Clonmel went on with your escort, or did they go on from Ballymacarbry?—Some of them diverged from Ballymacarbry.

31. How many cars do you recollect came from Ballymacarbry in your company?—I cannot say that; the greater number did; there was a very long procession of carriages.

32. When you were walking down with Mr. Prendergast on the Lackandarra-road, did you hear anything?—I heard a great shouting.

33. From what direction?—From the direction which I had left; in the place from which I had come.

34. And where you had left the cars?—Yes.

35. Had you left the cars in company with the Carbiniers; were they in company with the Carbiniers when you left them?—Yes.

36. Were there any policemen there?—There were.

37. You walked down with Mr. Prendergast in the direction of Lackandarra Lodge, and you said you heard a shouting?—I heard a great shouting.

38. Did you then go on, or did you return?—I returned after a moment's consultation with him.

39. What occurred to you on your commencing to return?—As I was returning the shouting became louder and louder; and as I advanced I saw that my retreat, as I may now call it, was cut off by the mob being in my way, and to avoid them I endeavoured to join the escort by going crosswise across the fields.

40. That is to say, there was a mob between you and the place from which you had come?—Yes

41. By the *Committee.*] Where was that?—Berry's Cross; the mob occupied Berry's Cross.

42. Mr. *Harris.*] You say that you endeavoured to rejoin the escort by crossing a field; did you proceed to do so?—I did; I got into the field, and the moment I got into the field the shouting immediately increased; it was directed against myself, and they did pursue me.

43. Had these men anything with them?—Clubs.

44. Did they do anything with these clubs?—They did.

45. What did they do?—They whirled them over my head.

46. Did any of them say anything to you?—They asked me, was not I going to vote for Mr. Poer, as they called him; Mr. De La Poer.

47. Did you make any answer?—Not to that question.

48. Were you able to advance for the moment?—Certainly not; I was surrounded.

49. Were you extricated from that crowd?—They commenced by whirling their sticks over my head, and threatening me in a most ferocious manner; and in the midst of this a policeman dashed in through them.

50. Did he come from Berry's Cross?—He came from the body of the escort.

51. Was he one of the escort?—He was.

52. Did you then get away from this place?—I got away.

53. Where did you go?—I continued my course across the field, and got into the main road.

54. Did you rejoin the cars and the escort?—I sat on a car, under the protection of the Dragoons.

55. When you were sitting on the car, did you see any cavalry who had arrived, in addition to the Carabineers; did you see the Lancers who had arrived?—Yes, they had arrived.

56. Had they arrived while you were away?—No, they had arrived previously.

57. Did you see the Lancers go anywhere whilst you were sitting on that car?—I did; I saw them trotting down towards Ballymacarbry.

58. That is down the road which you and Mr. Prendergast had walked?—Yes.

59. Did they trot or gallop down the road?—I cannot distinguish accurately between a trot and a gallop.

60. Did they go fast?—They did, and increased in speed as they went down.

61. Did you see anything done to these Lancers as they were going down the Lackandarra-road?—They commenced, I should say, with an ordinary trot, and then the stones commenced flying over their heads.

62. From what direction did the stones come?—From the flank of the Lackandarra-road.

63. Were the stones numerous?—They were numerous and very large.

64. And did that continue as long as they were in sight?—As long as they were in sight they were pelted.

65. Will you form an estimate, as nearly as you can, of about the number of persons whom you saw engaged in these proceedings altogether in the neighbourhood of Berry's Cross?—"These proceedings" is a large term; you will pardon me if I ask you to confine yourself to a particular point.

66. How many people did you see at Berry's Cross, and in the field, when you returned?—In the field I saw about, I should suppose at this very moment, for it was the commencement of the riot, about 50 persons throwing stones, but they increased afterwards.

67. When they had increased to the utmost extent that you witnessed, how many do you suppose there were in Berry's Cross, and in the field?—I should say something more than 100 persons engaged at one particular time, pelting stones.

68. Do you think that there were 100 persons pelting stones?—Yes, I should say so.

69. Did you see any of these stones hit anybody?—No.

70. Shortly or immediately after this, did you see the mob do anything else?—Yes, I did.

71. Where did they come to; where did they form themselves?—They formed themselves in front of the cavalcade.

72. That is of the cars, and the cavalry accompanying them?—Yes, they lined the inside of the road.

73. Did the mob do anything?—They did.

74. What did they do?—They took up stones in the field, and pelted them with the greatest heartiness.

75. Did

75. Did you hear anything occur?—I heard a smashing of the cars and carriages, and so forth, and the shouting of the mob.

76. By the *Committee.*] Were the mob in the field, or in the road?—They were in the field during the throwing of the stones.

77. Was there anything between them and the road; any wall, or any protection?—Yes, a ragged wall.

78. Mr. *Harris.*] Was that a stone wall?—I think so; as the walls are generally mixed of clay and stone.

79. By the *Committee.*] Did they take the stones from the walls or the field?—From the field.

80. Mr. *Harris.*] The cavalcade, of course, was in the road?—Yes.

81. How long did this continue?—What is "this"?

82. The throwing of the stones?—That was from the very first.

83. From the time they came in front of the cavalcade, as you say, they began to throw stones?—Until when?

84. Until you left?—Until I left; I should say we had stood that sort of work altogether about half an hour.

85. How long was it after the first throwing commenced, that they approached that part of the cavalcade that you occupied?—I should say about 25 minutes.

86. Did any of that crowd say anything about you personally?—They did.

87. Will you say to the Committee what it was?—The first pelting commenced in that direction—*(pointing to the right)*—and gradually advanced to my position; and when they came in front of me, there seemed to be one man, a leader, and he said, "we have seen you before;" and just as he said the words, he let fly a large stone at me; my position was on the side of a jaunting car, and I thought it was rather an awkward place to sit at the moment, and I jumped down and hid myself behind the car, on the opposite side, and the stones that came flying across the road were received by the car and the poor horse.

88. Did you see the stones, and hear them?—I heard them rattling against the poor animal's back and the sides of the car; I may add, that I stooped down, and as I did so, I saw that the man stooped down also, and tried to throw stones under the car; when I say the man, I mean the leader of a good many.

89. But there were other persons throwing stones at the same time?—Yes.

90. How long then did you remain concealed in that position behind the car?—About five minutes, which was a very long time under the circumstances.

91. Were did you then go?—I retreated.

92. In the direction of Ballymacarbry?—Homewards.

93. Did you get on the car?—I got on the car; but I must first tell you that I had to run over an open space between the car on which I had been attacked, and another car which was in retreat.

94. How far was the car which you followed from the car behind which you had been concealed?—It must be an approximate distance; I should say about 60 yards of open space.

95. Was anything going on while you were running along?—Yes.

96. What was it?—Stones flying right and left on every side of me.

97. When you say right and left, do you mean from both sides of the road?—What I mean by that is, that some fell this way, and some fell so *(describing the same)*.

98. When you reached the car that you say was about 60 yards in advance of the other car, did you find that other persons had done the same?—I found that when I commenced my retreat there was a most extraordinary scene of confusion just in my rear; horses were turning round suddenly, falling on the road, and floundering about, and the cars tumbling: it was a most extraordinary mess of confusion; I could not describe it in any other way; it seemed to be a terrific business at the moment; the mob was advancing with their stones.

99. And after you reached the car, how long did that continue, as far as you can judge?—Perhaps I ought to mention that the first car I got upon was a very bad one; the horse would not go on; he got up on his hind legs, and when they found me in that position they became rather excited, and pelted me more vigorously, and I jumped down, and had another little run for it then, and then got into a covered carriage; in that way I think I escaped without much injury.

100. Did any of the stones touch you?—Not one.

101. How far was it between the first car that you attempted to get on and the covered carriage?—Six or eight or ten yards.

102. And were the stones being thrown all the time?—The stone throwing went on until they saw that we were actually determined to leave them to themselves.

103. Where did you go?—I went home.

104. In that covered carriage?—In the covered carriage.

105. Did you see any other persons going in cars towards the same direction towards Ballymacarbry?—They arrived almost simultaneously with myself, at the stand point at Ballymacarbry.

106. Did you meet any other mob?—I did.

107. Where?—At the Half-way House.

108. What occurred with these men; did they know you?—They all knew me.

109. Did they say anything to you; and, if so, what?—They were very glad to see me apparently, because I had returned. One of the men, the leader of that party, put his head into the carriage, and said he was glad it was myself and my friends with me, and insisted on shaking hands with me.

Mr. *O'Malley* objected to this evidence with regard to the second mob, on the ground that it was not part of the *res gesta.*

Mr. *Harris* was heard in support of his line of examination, and submitted that this was all part of the same transaction.

Mr. *O'Malley* was heard in reply, and submitted that the agency of the mob with the sitting Member was by no means proved.

The *Chairman* stated that the Committee were of opinion that that line of examination could not be proceeded with.

110. Mr. *Harris.*] You were on your way to Dungarvan at the time that you reached Berry's Cross, as you have said already, to vote for

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Captain Talbot; would you have voted for Captain Talbot? — Yes, most decidedly. I wished to vote for Captain Talbot.

Mr. *O'Malley* submitted that this was not admissible evidence.

111. Mr. *Harris.*] Did you want to vote for Captain Talbot?—I was proceeding to vote for Captain Talbot.

112. Did you vote for Captain Talbot?—No.

113. Did you make any further attempt to go to Dungarvan?—No, certainly not; I got quite enough of it in that way.

114. What prevented you from going to Dungarvan?—The mob prevented me.

Cross-examined by Mr. *O'Malley.*

115. How far do you live from Dungarvan?—I should say about 15 miles.

116. English or Irish miles?—Irish miles.

117. Do I understand you that you did not proceed directly from your residence to Dungarvan to vote? — May I ask what you mean by "directly."

118. I mean by the direct road?—No.

119. You diverged from your road amongst the various seats of the tenantry to take them up and carry them with you?—I know nothing at all about that; I cannot testify to that.

120. Can you testify to this. I think you can; did you diverge from the road?—Yes.

121. Did you take up people here and there on the way?—Possibly.

122. Do you know it?—I mean to say that I was no agent to it, if that is what you mean.

123. Do not try to divine the meaning of my questions; you know that some were taken up?—I know that some were taken up.

124. And you know that you went out of the road?—I really believe that it was not on that ground that we went out of the road.

125. You really believe that it was not on that account that you went out of your road?—I really do believe it, or at least I was not told of it. I was not informed what was the reason more than that it was to avoid the mob that was supposed to be on the main road.

126. Where did you understand that the mob was?—At the Half-way House.

127. And you avoided the Half-way House?—I believe so.

128. Do you not know perfectly well that that was not the only reason?—I do not know.

129. Do you not know perfectly well that that was not the only reason?—No. I believe, and it appeared to me ——

130. Do you not know that you went upon an excursion to collect the voters?—I did not know anything at all about it.

131. Your car came from Clonmel, did it not?—Yes.

132. Did the cars proceed full from this place from whence you started, or were they partially full?—No, there was room I believe for some.

133. For a good many?—Room for some.

134. Did you not know that the number increased as you went on?—It increased.

135. You do not know that you went round in order to collect voters?—I do not know any such thing.

136. By the *Committee.*] The fact was that a great many people joined you from your house before you arrived at Lackandarra?—Yes, I believe they did. The hesitation on my part with regard to this question is simply that I knew nothing about the intention of the parties.

137. Mr. *O'Malley.*] But people draw deductions, which are as certain as any other knowledge?—I really did not know it even from deductions.

138. Who were your companions when you started?—They were legion; a great many.

139. You carried the mob with you, did you not?—No; but I was in company with a great many voters.

140. We have it "legion." The only time I ever remember that answer being given was in connection with another peculiar body, and the aptitude of the illustration may have struck you?—Possibly.

141. You were accompanied by a legion; a legion of what?—Voters.

142. Were the voters all in cars?—There were some on what we in Ireland call cars; others were in carriages, and others were in other vehicles.

143. Were they all in vehicles, or were there any of them walking?—We had to walk up a very long hill, and a great many persons did walk there.

144. Did not a great number of persons independently of those who were in cars, accompany those cars?—No.

145. Will you undertake to say that there was not a considerable accompaniment of other persons on foot along with the cars as the cars were proceeding?—I really cannot say that.

146. You had your eyes?—I had my eyes.

147. Even in the midst of your great fright, we see how you allege that you observed the size of the stones; do you mean to tell this Committee that you do not know whether there was a large company of persons on foot, accompanying the cars on foot?—I really do not think there were; at first setting out there were a great many who came up a great hill which rises from the village of Ballymacarbry, but I think that they fell back as we went on.

148. Will you undertake to say that they did fall back, or that they did not accompany you (a large portion of them) up to Berry's Cross?—I am morally certain that they did not accompany us.

149. What do you mean by "morally certain"?—It is a thing that I cannot positively swear to, though it is my impression.

150. Do you not know that a great many of the families of the men who were taken up to vote accompanied them during that march?—I positively cannot say.

151. Do you not know that the servants and boys of a great many of them accompanied them?—I really do not know.

152. In the course of this row you talked of, did you not hear a man call out, that his own servant had hit him?—No, it is the first time I have ever heard of it.

153. Will you undertake to say that you did not hear of it?—I do.

154. Have you not heard since that it was the servants and boys and families that accompanied on foot?

Mr. *Harris* objected to the question on the ground that it was intended to call forth hearsay evidence.

155. By

155. By the *Committee.*] Did you ever hear it said in your presence that the voters of whom you formed a portion, were accompanied by their servants and families?—I cannot really remember from whom I heard it, but I heard it from a person who told it to me, by way of ridiculing such an idea.

156. Mr. *O'Malley.*] Who was the person?—I do not know.

157. Will you tell me the language that was used?—I wish it to be understood, and I place myself under the protection of the Committee, that I could not answer the question clearly.

158. By the *Committee.*] You will answer the question to the best of your ability?—I heard it said that the servants and boys went up to Berry's Cross, and that some of them were seen there.

159. Mr. *O'Malley.*] Was Mr. Coates the person you heard it from?—I cannot say.

160. Will you undertake to say that it was not?—I certainly will not say that, nor will I say that it was; I heard it just in an undefined way.

161. I observe that you did not see any one hurt by the stones?—No.

162. There was a shower of stones going on for about half an hour?—I said that from about the commencement of the rioting to the end of it was about half an hour.

163. I understood you to say that from the commencement of the riot for about half an hour you stood the throwing of stones?—Yes; that is from the commencement.

164. For half an hour the stones were flying about, and no one was hit?—No.

165. The peasantry are not such bad shots are they, generally speaking, when they want to hit any one?—I cannot say; I often try myself to hit, and I miss.

166. What was this great cavalcade; sometimes one cannot hit a candle, when one can hit a turf stack?—Do you mean the length of the cavalcade?

167. Yes, first of all?—Perhaps I might find it difficult to answer that question.

168. About how many cars were there?—There was a string of cars, perhaps they would number 60 or 70, or something like that.

169. Sixty or 70 cars?—It appeared to me to be like that; 50 or 60, or 70.

170. In your cavalcade?—Sixty or 70 cars; I beg to say that I do not answer that either positively.

171. By the *Committee.*] By the word car, do you mean every class of vehicle?—Yes, I mean every class of vehicle; the whole procession.

172. Mr. *O'Malley.*] You tell us that they were large stones; you had your presence of mind about you a good deal, had you not; you did not lose your presence of mind?—There were men throwing stones.

173. Were you frightened?—I certainly was alarmed.

174. Were you frightened to such a degree as to increase the size of the stones to your imagination?—I do not think I was so much frightened as that.

175. Where did the military join you?—At Ballymacarbry.

176. That is where you started from?—Yes.

177. How many soldiers were there?—I could not tell that.

178. About how many; were there any infantry?—No infantry.

179. Are you sure of that?—I am certain of that, except you call the police infantry.

180. How many police do you suppose there were?—I could not at all answer that question.

181. Do you think there were 100?—I do not think there were 100.

182. You have told us of the number of the mob, and you had police there, you know, while you were going up quietly; we must ask you to give us an idea of the number of the police?—I really cannot attempt it.

183. You can give us some notion of the number of police that were accompanying you, as well as the mob that were about the fields?—The police were not drawn up in a body.

184. Nor were the persons who were throwing stones; but we must have it from you; what was the number of the police?—I really cannot answer that question.

185. What was your notion of the number; should you say there were 100?—No; I do not suppose there were 100.

186. Do you suppose that there were 50?—I cannot even answer that.

187. Could you tell me whether it was nearer 50 or 100; it is a strange thing how one's memory is affected by such circumstances?—No; I think there is a difference in the two cases; I saw the mob in a body all before me.

188. I want you to answer my question.—I cannot answer it.

189. Would there be 20 police?—Yes; certainly.

190. Was it nearer 20 or 100?—I cannot answer you that question; the police were scattered amongst the cars here and there, and it was impossible to tell the exact number.

191. As you could form an opinion of the number of the cars, you could form an opinion of the number of the police, surely?—Perhaps there were 40 police; there were about that.

192. Would you not say there were twice that?—I would not.

193. Were there more soldiers than police?—I think there were more soldiers.

194. More soldiers, you say?—Yes, there were.

195. Now, we have got the soldiers; who was the magistrate with them, do you say?—Mr. Warburton.

196. And who else; was there any agent?—Do you mean an agent of any landowner?

197. Yes?—Mr. Coates was there.

198. Whose agent is he?—Lord Stradbroke's.

199. Was there any one else?—Mr. Prendergast, I believe.

200. Whose agent is he?—I do not think he has any agency.

201. By the *Committee.*] Mr. Prendergast was not in the procession, was he, when you left your house?—He was, I think, when I joined the procession.

202. Is that the Mr. Prendergast who lives in the Lismore direction?

Mr. *Harris.*] It is not the same person; it is the same name; they are both John Prendergast, but they are different persons.

203. Mr. *O'Malley.*] He was an amateur, then, was he?—He is a solicitor.

204. Who else was there; may I ask, were there any drivers?—Yes, a good many drivers.

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205. How many of them?—I do not know.

206. Were there many of them?—I do not know; if there were 70 vehicles, I suppose there were 70 drivers.

207. I do not mean car-drivers?—I thought you did.

208. I mean, what in Ireland are called drivers, bailiffs, process-servers?—I do not know, really.

209. There might have been 20 or 30 of them?—I do not say there were not; my attention was not turned to them.

210. You do not know whether there were or not?—No.

211. Was there any one else?—There was a Mr. Dowsley.

212. What is he?—He is an attorney.

213. Was there any one else?—Mr. Bell.

214. Who is he?—He is an officer in the County Tipperary Militia.

215. Was he a voter?—I do not think he was.

216. He belonged to the County Tipperary Militia?—Yes.

217. Who else was there taking care of the voters?—I do not remember any gentleman, if you mean that.

218. Do you know any gentleman or gentleman's servant who was taking care of the voters; I will not say, "had them in custody," as my learned friend Mr. Mundell said?—It appeared to me as if they were taking care of each other.

219. Sometimes, you know, prisoners do aid in preserving discipline; maybe these were doing so; now, how were they taking care of each other?—They were all banded together.

220. How were they banded together; were they tied together?—No; sitting upon the cars and talking.

221. They sat on the same cars?—Yes.

222. And that you call being banded together?—Yes.

223. You did not observe whether they put a few staunch ones by the side of the more wavering?—I certainly did not.

224. Can you tell me whether, in that part of the country, the great majority of the voters of that class which accompanied you are Roman Catholics?—Perhaps, with the exception of a very very few, they were all Roman Catholics.

225. With the exception, perhaps, of their keepers; was not that so?—Mr. Prendergast is a Roman Catholic.

226. So that the keepers were Roman Catholics too?—Yes.

227. But he is the very man you told us you could not assign a duty to; now, you know, in that part of the country, the priests took an active part against you?—Not in that parish, if you refer to that.

228. But you know that they did throughout the county?—Yes.

229. Perhaps you are aware that Mr. De La Poer is a descendant and a representative of the very oldest and most distinguished Roman Catholic family in the county?—I do not quite know that; I know that it is a very highly respectable family.

230. You know that he is a son of one of the most popular men there ever was in the county?—I believe he was the most popular man there ever was in the county.

231. Did you not know that there was a very great deal of enthusiasm among the lower orders of the Roman Catholics upon this point?—

Mr. *Harris* objected to these questions as relating to matters of hearsay and presumption.

232. Mr. *O'Malley.*] Did it ever occur to you that it might have been as necessary to escort the force to prevent desertion as to resist attack?—No, positively not.

233. Had you assured yourself so much of the fidelity of the voters as to have no fear of that kind; I am not now asking you what you believed, because that would depend upon hearsay evidence; but had you so assured yourself of the fidelity of the voters as to feel no misgiving about that; for a particular reason I want to have your answer upon that point?—I believed that they were all faithful.

234. Had you assured yourself of their fidelity?—I could not assure myself of that.

235. Because I was going to ask another question; you told me some time ago you did not know whether the persons that were taken up from time to time upon the road, were voters?—I said I did not know that the escort went round that way for the purpose of taking them up.

236. You told me that you did not know whether the persons so taken up were voters?—I did not.

237. And therefore you could not say anything as to their fidelity or not?—No, I could not.

238. May I ask when you came to this place, Berry's Bridge, what the object of your rural walk was with Prendergast; why did you not go on straight to the town of Dungarvan?—Because the procession halted there.

239. But why did you not go on?—We were waiting for a contingent from the mountain side; that is for more voters to come up from Lackandarra.

240. Mr. Prendergast was one of the agents to the petition?—

Mr. *Harris.*] Yes, he was.

241. Mr. *O'Malley,*] (*To the Witness.*) You were waiting; how long did you then wait for this contingent?—Before I heard of the contingent we waited a quarter of an hour, before we left the main body.

242. You waited a quarter of an hour to take your walk?—No; before I went to take my walk.

243. The first that you heard of any disturbance or riot was while you were taking your walk?—Yes.

244. So that wherever that mob came from, you waited for 20 minutes for them?—I think it was about that.

245. At Berry's Cross?—Yes.

246. Did you at all observe what side they came from?—No; because they had arrived during my absence.

247. May I ask were these persons you took up all men; they were not women or children, were they?—No, I should think not.

248. So that you had 60 vehicles, each conducted by a driver, pretty well filled with voters accompanied by officers; well officered according to your account, accompanied by a large force of police, and the mob you then met you think might consist of 100 men; is that so?—I think so, the mob that pelted the military.

249. That is not like the account we hear; that

that is the converse?—I speak of the mob that pelted the military with stones.

250. That is something like the converse of the account which we hear now; did the military run away?—No.

251. Did the police run away?—No; do you mean just at the close.

252. Yes?—I was not there the whole time.

253. Were you the first to run?—Very nearly, I was amongst the first.

254. And the rest of the voters followed your example?—After an interval they did come.

255. And they ran away from this mob?—I beg it to be understood that the mob I refer to as being of 100 men, were the men actually engaged in pelting the military; then I saw no more.

256. Of the combatants?—Yes.

257. Of course you know very well that a very great number of those were women and children?—I saw women, but I could not say as to children; I saw women.

258. This mob that were pelting were on the side of the road?—They were.

259. The police, I suppose, were active men, who would have got over these walls in the twinkling of an eye?—Yes.

260. Now just tell me this; did not the military and the police forbear from fighting because at the very first sound of alarm the voters took the opportunity of running away?—That is most positively incorrect.

261. Did the voters show any fight at all?—They stood their ground.

262. Their heart was not in the cause?—My heart was in the cause, but it would have been perfectly useless for me to show fight.

263. By the *Committee.*] You cannot tell what was in the voters' hearts?—Of course not; I do say now, that it would have been madness for me to have shown fight against them.

264. Mr. *O'Malley.*] I do not blame you as a clergyman for not fighting; I rather commend you for running away; but we are dealing with a very combative race, and if their heart was in the cause do not you think that they would have fought a little better?—I can only say that some of them addressed me——

Mr. *O'Malley* interrupted the answer.

Mr. *Harris* objected to the Witness being interrupted.

265. Mr. *O'Malley.*] What became of the military when the body they escorted took flight?—I cannot tell.

266. You never stopped to look after anything else but yourself?—I have a wife and children, and I did not wish to lose my life.

267. You went home unhurt?—Yes, thank God.

268. And did you take to your bed?—Why should I take to my bed.

269. Because you were so frightened?—I was not so frightened as that.

270. You had the whole of that night, and the next day, to get to Dungarvan?—That is if I ventured to go against impossibilities.

271. Did you never hear of a man being told to put his head into the first hole that was made by a cannon ball in the ship, and that he would then be safe?—I never heard of that before.

272. Did it occur to you that the mob would not stay there the whole night?—It occurred to me that the mob would stay there all night and watch as well.

273. You had made up your mind that the mob would stay all night?—Not that identical mob.

274. Why did you not go the direct road?—To avoid the mob at the Half-way House; the mob that we supposed would be there.

275. Then, in fact, you were intimidated from going up to Dungarvan by the mob you supposed would be at the Half-way House?—We used our prudence.

276. You call that prudence?—Yes.

277. You thought it prudent to remain quiet during the 24 hours, is not that so?—Perhaps I do not quite understand you.

278. You had 24 hours from that time to go up to the poll?—Oh, yes, but I would not venture.

279. Did it ever occur to you, or was it ever suggested to you, that you might do your party more service by not going?—No, indeed it was not; I was solicited to go.

280. Who solicited you to go?—Mr. Prendergast asked me to go.

281. He would not unnecessarily expose your life or limb, I suppose?—I should hope not; I told him I would not go upon any consideration.

282. By the *Committee.*] Was that answer subsequent to the scene on the Friday at Berry's Cross?—Yes, I think it was on the Saturday morning.

283. Did Mr. Dowsley go on?—He went on.

284. And made his way good that day?—He told me he crept on under cover of the night.

285. What o'clock was it that this row took place?—It was two o'clock.

286. At Berry's Cross?—No, we arrived at Berry's Cross at half-past twelve.

287. And you were in full flight in less than an hour?—Yes.

288. There was no great "night" to creep through in then, was there?—Yes, there was; as I understand Mr. Dowsley, he went to farm-houses, from one place to another, and concealed himself till night, and got into Dungarvan at 10 o'clock at night.

289. He got to Dungarvan and voted?—He got to Dungarvan.

Re-examined by Mr. *Harris.*

290. Do you happen to know whether Mr. Dowsley is an elector?—I do not think he is.

291. He is an agent of Captain Talbot's?—He was engaged in some way; I do not know how.

292. Was that road to Lackandarra you went down with Mr. Prendergast falling ground?—It was.

293. Was the mob you saw after you returned concealed from you by the lie of the ground?—I lost sight of Berry's Cross in consequence of the ditches or hedges, or something of that kind.

294. You were asked by my learned friend as to the number of the mob who were at Berry's Cross, and you have said that there were about 100 engaged in one transaction; did you refer in that number of 100 to the mob that were

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engaged in one transaction?—I referred to the pelting of the stones at the military distinctly.

Mr. *O'Malley.*] You will find that it is 50 in respect of one transaction, and 50 in another.

295. Mr. *Harris.*] Did you refer that 100 to persons who were pelting the military?

Mr. *O'Malley* objected to this question.

Witness.] When the first stones commenced, when the military were trotting down the road, I think there were about 50 persons that I could clearly see throwing stones.

296. Mr. *Harris.*] Was there an additional mob in another place?—

Mr. *O'Malley* objected to this as a leading question.

297. Mr. *Harris.*] Whom were the stones thrown at?—At the procession.

298. By the *Committee.*] You got under the car?—Yes.

299. A man was so anxious to hit you, that he shot at you when you were under the car?—Quite so.

300. Was the mob of 100 the same mob that you had seen throwing stones at the Lancers in the Lackandarra-lane?—I could not say that, because the first mob disappeared down the dip of the hill, and soon after these men appeared pelting in front.

301. Did they disappear in the same direction from which the other mob appeared?—In the same direction they would have come down.

302. Will you look at this little sketch that my friend has made, and see if that is a tolerably accurate idea of the ground?—

Mr. *O'Malley* objected, that this did not arise in cross-examination.

303. By the *Committee.*] Did the whole of the cavalcade that came into the village in which you reside leave the village with you, or did it break into two portions?—They all came together; that is, one-half of them went in front, and the other in the rear.

304. But all who came into the village left the village with you?—Yes; I should say so.

305. And how many soldiers were there with your procession?—I have a very indistinct notion with respect to it, but perhaps there were 60; it appeared to me to be something like that; I really cannot tell.

[The Witness withdrew.

[Adjourned to To-morrow, at Eleven o'clock.

Wednesday, 27th March 1867.

HUGH EDWARD ADAIR, Esq., in the Chair.

The Reverend Charles Fry, recalled; and further Examined by Mr. *Harris*.

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306. I believe you wish to make some explanation of your evidence of yesterday?—I stated yesterday that I understood from Mr. Dowsley that he got into Dungarvan late at night, having gone into the country. I was thoroughly certain at the moment that it was he himself who told me when I related the story; but upon recollection, and upon thinking more of it, I remembered that he did not tell me that story, but it was a current rumour in the place; it settled itself very much in my mind. He, himself, afterwards told me in conversation, cursorily meeting him in the street, that he diverged from the main road to go into the country, and got round and met with a gentleman who was going into Dungarvan, and who took him in. And then with regard to the number of Protestants, I said that the great body of electors were Protestants; what I meant by that, and intended to convey, was, simply, that considering the matter from the carriage in which I sat, the great body outside were Roman Catholics. There were four Protestants inside the carriage, and the great body outside were Roman Catholics.

307. By the *Committee.*] Are the Committee to understand that your opinion of the relative number of Protestants and Roman Catholics solely arises from those who happened to be with you in the carriage?—There were four Protestants in the carriage with me, and all outside were Roman Catholics.

308. Do you mean by "outside" those standing round?—No, in the procession belonging to the people going to the poll, they were all Roman Catholics; that is what I intended to convey to the Committee, by saying the great body of the people. Then with regard to the number, I just beg leave to reiterate that I do not at all profess to be clear as to the number in the case.

Cross-examined by Mr. *Waters*.

309. Do you mean the Committee to understand that the four whom you say were Protestants were voters?—No, they were not; there was one voter.

310. But the other three were not voters?—No.

[The Witness withdrew.

Mr. *Holmes* handed in a list of the persons referred to by Mr. Mundell, in his opening speech of yesterday.

Mr. Abraham Coates was called in; and having been sworn, was Examined by Mr. *Harris* as follows:

Mr. *A. Coates.* —

311. Are you the land agent of the Earl of Stradbroke, for his county of Waterford estates?—I am.

312. How many tenants has the Earl of Stradbroke at Ballamacarbry who are electors for the county of Waterford?—About 78 or 80.

313. Did you on the 28th of December 1866, leave your residence at Ballamacarbry at an early hour of the morning, or when?—I left my residence in my own carriage about six.

314. Where did you go?—I went to the bounds of the estate, on the Clonmel line.

315. By the *Committee.*] Where do you reside?—I reside at Ballamacarbry, at Glenabiry Lodge.

316. Mr. *Harris.*] You went, you have said, to the boundary, in the Clonmel direction, of Lord Stradbroke's estates?—I did.

327. Did any of his Lordship's tenants accompany you to Ballymacarbry, or come to Ballymacarbry from that direction?—I went down to that point for the purpose of meeting the cars that I myself had engaged to take the voters, and as the voters came up along the lane, to put them upon these cars and bring them on towards Dungarvan.

318. About what time did you arrive at the point where you met the cars?—I met the cars at the very bounds coming up the hill.

319. At was hour was that?—I suppose it was about, perhaps, ten minutes or a quarter past six.

320. Did you accompany the cars from Ballymacarbry in the direction of Dungarvan?—I did; I came with the cars; our voters got up along the line of road as they came up from their houses, and they got on the cars, and I came on then to my own gate, and they went on to the village, that is about a mile further on. I went up to breakfast with one or two of the officers, and after breakfast we went down to the village again, where we met the cars and the voters, and then we continued our route through the estate, and as we went along, the voters came from their different residences, and got up on the cars.

321. You recollect your arrival at the village of Ballymacarbry?—I explained, that after breakfast

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breakfast the cars went on to the village, and after breakfast the officer, Mr. Maclaine, I believe, of the Carabiniers, and I think a stipendiary magistrate, and one or two others, had breakfast, and we went down through the village; there were the cars again, they were waiting for us; I believe the car-boys got something to eat and drink.

322. Do you recollect some empty cars being told off to go by another road?—I do very well.

323. Do you recollect how many cars were told off with that party?—I believe about 25; but I must say this to the Committee, that I had one duty to perform, which was merely to escort Lord Stradbroke's tenants into Dungarvan at his lordship's expense, and I really did not pay any great attention to anything more than that which was my own duty as I conceived, namely, merely to bring in his lordship's voters.

324. By the *Committee.*] Where did these cars leave the high road; did they go westward or eastward?—At the village of Ballymacarbry they went up what we call the Nire road, that is the road along the banks of the river Nire; I know the country very well; they turned up to the right, and went through Mrs. Chandler's estate.

325. Mr. *Harris.*] That is to the eastward of the direct road from Clonmel to Dungarvan?—Yes, they turned up by the river; you will see the river just in the village of Ballymacarbry, and 25 cars went up along that road.

326. By the *Committee.*] Is it the road in the direction of Craven Gower?—That is the road which our cars went with our voters, but the others went straight ahead.

327. Mr. *Harris.*] Did the empty cars go in the direction of Lackandarra?—They did.

328. By the *Committee.*] Will you explain to the Committee, if you please, what course you took along the high road; is it represented by that black line?—It is very difficult to explain upon a map so small as this: I conclude that that is the main road to Dungarvan; there is another road which was made by Lord Stradbroke and the Board of Works, which falls into this road about here (*pointing to the plan*), and we came up through that village; it does not appear upon this map, because this map was made long before the road, and then we came up here (*pointing to the map*); we did not like to go that road, because we knew, or fancied that we knew, that we would be interrupted at the Half-way House.

329. Where did the other 25 cars leave you, and which way did they go?—They went along by the river Nire.

330. And then which way did they go?—That way (*pointing to the map*); then they came all down here, through Mrs. Chandler's estate; we missed the main road to Dungarvan, because we were afraid to go that road.

331. What we understand is, that instead of proceeding along the Clonmel and Dungarvan high road, inasmuch as they anticipated being stopped at or near the Half-way House, they diverged and went by the road made by Lord Stradbroke and the Board of Works, by Craven and Gower, which is to the east of the high road; the other party that went down the Nire road went still further to the east of them, and then came in at Lackandarra?—They wheeled round about; that is exactly it; that is precisely the evidence I give.

332. Mr. *Harris.*] You went up the road that you say was made by the Board of Works and Lord Stradbroke?—Yes.

333. How many cars were in your party; how many vehicles?—I must only give a guess; I suppose about 40, but I expressly state that I was so much interested in having our tenants on both sides of the road taken up as they came from their residences, and got up upon the cars, that at that stage of the proceedings I was only anxious to see that our voters were comfortable upon the cars, and to take them ahead.

334. By the *Committee.*] Will you tell the Committee how many cars you hired for the service of Lord Stradbroke's tenants?—Fifteen cars.

335. Mr. *Harris.*] But you cannot say how many there were?—I suppose about 40.

336. Were there any troops in you company?—There were.

337. What were those troops?—The Carabiniers.

338. Do you know near about the number of Carabiniers that were in you company?—I do not, unless you like to have a guess.

339. Those are the 6th Dragoon Guards?—Yes; the officers will give you an account of all that.

340. Do you know how many police there were in your company?—I can guess.

341. About how many?—I suppose there would be about 12 or 15, after the other police went the other road, which you must know was up the Nire.

342. By the *Committee.*] There were 12 or 15 police with Lord Stradbroke's tenants?—That is as I recollect; I am very far from swearing that.

343. Mr. *Harris.*] Do you recollect coming along that road that you spoke of, and arriving at Berry's Cross?—Yes.

344. At what hour did you arrive at Berry's Cross?—Twenty minutes to 12.

345. By the *Committee.*] To reach Berry's Cross, did your party go through the village of Lackandarra?—No, not at all.

346. Mr. *Harris.*] Upon the cars which came with your cavalcade, as I will call it, how many electors off Lord Stradbroke's estates were there?—There were, as nearly as I can guess, somewhere about 70 or 72. I can tell you as nearly as possible how many voters there were altogether.

347. How many voters were there altogether?—I think about 75 or 76.

348. Was Mr. Prendergast, an election agent of Captain Talbot, with the party?—He was.

349. Had he come from Clonmel with the cars?—Yes.

350. Do you know that of your own knowledge?—Yes, I saw him with the cars.

351. Was Mr. Dowseley there?—He was there.

352. You have spoken of a resident magistrate; what was that resident magistrate's name?—Mr. Warburton.

353. When you got to Berry's Cross did you meet any persons there; did you meet a Mr Coote, a resident magistrate?—I did.

354. Did he arrive at Berry's Cross before you came there?—Yes, as I understand.

355. Did you ask Mr. Coote for anything; did

did you demand anything from him?—Shall I give an explanation of that in my own way?

356. *Chairman.*] Yes?—Because it is difficult to do in that way by direct answer, and if the Committee will have patience with me I will give a full explanation. When we arrived there the first thing that took place was, that the stipendiary magistrate, Mr. Warburton, came up to me and said, "I am going to leave you, and you will be now in charge of the Lancers; and what time do you wish that I should come to-morrow to bring you back? I said that it would be quite impossible to tell; and he said, "You had better telegraph." Some of Lord Stradbroke's tenants came up to me shortly after that, and said, "There is a mob accumulating, and you had better be cautious, for you are a marked man." I went up to Mr. Coote thereupon, and I said to Mr. Coote, "There is a mob collecting, and you had better be very careful." And he said to me, "Oh, it is quite impossible; I have just come up along that road." I said, "I think I am better informed than you are, and that I had better have a look-out;" and thereupon some of my men——

Mr. *Waters* objected that this was not proper evidence, as relating to what Mr. Warburton said to the present Witness.

The *Chairman* stated that the Committee were of opinion that the Witness might proceed.

Witness.] Some of my men then brought me down that road that you will see there from Berry's Cross towards Lackandarra, and pointed out to me where the mob was coming up. They brought me down the road, so that I could see over the heads of the line of cars. I could not go that way (*describing the same*), because the cars were right before me, and then I was brought down here so as to get a triangle

The *Chairman* stated that he thought this was rather exceeding the permission given by the Committee.

357. Mr. *Harris* (to the *Witness*).] Will you state what you saw, and what occurred then?—The next thing I saw after that was this: I saw a Lancer gallop very quickly down the Lackandarra-road.

358. Was that the road that Mr. Fry and Mr. Prendergast walked down?—Yes, it is.

359. What occurred then?—I saw great crowds of stones, if you can have crowds in the air, flung at these Lancers; and then I said to my people, because I did not care about anybody but my own people, "Look at that field in which the mob is; there is not a single human being in it now in the way of a mob." One of them said, "They are following down the Lancers; there must be something going on below Lackandarra." Then I got up upon a high car, on one of the highest cars that we had, and I saw the mob get over the fence there, and go along that fence (*describing the same*), and return here again, and run across the road here ahead of our cars and cross the road, and there they had our cars in front.

360. That is, they were in front of your cars?—You see that if I had anything like a map I could show it. I dare say the Committee will understand. There is the road round there to Lackandarra (*describing the same*), here is the field at the right hand side of that road in which the mob were. As soon as the Lancers went down here out of sight, the mob went over that ditch, and here were we (*pointing to the map*). They got along upon this first fence, and then they crossed our road, and then they had our advanced cars between them.

361. By the *Committee.*] The military operation which the mob performed seems to me to be this: that having thrown stones at the Lancers, who were advancing to Lackandarra, they then left them and went across some fields, along a dyke, and interposed themselves between the leading cars and the town of Dungarvan?—The mob were on both sides of the cars then.

362. Mr. *Harris.*] Did you see anything done by the mob then?—Then commenced the stone throwing, and as the cars were attacked in front the voters were getting out of the cars as fast as they could; some of them coming up to me with bloody heads; another man said his back was broken.

The *Chairman* stated that the Committee were not inquiring into the injuries that the people had sustained.

Witness.] They then fell back from car to car, car to car, car to car—(*describing the same*)—and then the Dragoons, who were behind, were so puzzled, as I think, by the car-boys wheeling about.

363. By the *Committee.*] Do you mean the escort that had come from Clonmel, and which was in the rear of the convoy?—Yes.

364. They fell into confusion because the cars fell in retreat upon them?—Yes; some of the cars were upset, and some broken to pieces, and so on; our voters were going on backing, backing, backing, and then when the Dragoons got free, and checked the mob, the mob being checked by that, we then turned about and went home.

365. Mr. *Harris.*] Can you estimate about the number of the persons who were in that mob, as it is called, in front of the cars, at that time that you saw them throwing stones?—The mob began with very few; when first the Lancers went down that road the mob were comparatively few; there was a horseman coming up, galloping up and down; I thought he was coming up from one of our own people at Lackandarra, to say that there was news for us, but then I found that I was greatly mistaken, for when this man came to a certain point he began to speak to the countrymen, and then I said this man is a skulker; he is an enemy, or something like that.

366. Mr. *Harris.*] Did the crowd then increase?—They increased then wonderfully.

367. How many do you estimate to have been there at the time the stone throwing took place at the cars?—It is very hard to say, between men, women, and children altogether; the women were gathering up stones for the men in their aprons; I should say there were about 400, but that is a mere guess.

368. By the *Committee.*] That is including men, women, children, and all?—Yes; that is men, women, and children, and all, but there may have been a great many more.

369. Did the men of the mob, the men who threw stones, appear to obey the commands of this horseman who was riding up and down?—No; that horseman, who came riding up and down, as far as I understood, did not come up near

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near the cars at all; he did not come up within a couple of hundred yards of the cars, but there was another man there, a ringleader; I can repeat what he said.

370. Mr. *Harris.*] What did he say?—He had a great wattle in his hand, and he said, "If I am killed to-day, I will be buried to-morrow;" and he said, "If you go one step further, by this that and the other, I will have your lives; so go back, and go home;" he wore a blue jacket.

371. Did he shake a stick at you?—I do not know whether he shook it at me, but I know, whether he did or not, that I was the marked man.

372. By the *Committee.*] Did you know this man?—I did not.

373. Mr. *Harris.*] He was not in the company of Lord Stradbroke's tenants?—No; nor from that country at all, I should say.

374. By the *Committee.*] You did not know the man?—No; I think that I can guess at him though, if I saw him.

375. Mr. *Harris.*] Do you know the families of Lord Stradbroke's tenants?—Well.

376. Amongst the mob which you have described, were there any of the families of Lord Stradbroke's tenants?—Certainly not; I was in one of the last cars, and there was not a single human being in the mob following the cars, or anybody else, because we were all a happy family there, and we all agreed uncommonly well; we have neither Fenians nor anything else upon that estate.

377. Did these tenants of Lord Stradbroke who accompanied you from Ballymacarbry upon that morning go with the intention of voting for Captain Talbot?—Decidedly they did.

378. Had you in any way coerced these men to go with you?—Certainly not; all that I did was, I read a letter to them from Lord Stradbroke, which was, "Please tell my tenants"——

The *Chairman* stated that the Committee could not go into this question.

379. Mr. *Harris* (to the *Witness*).] Did these men who accompanied you on that morning vote for Captain Talbot?—No.

380. Did they return to their homes?—They did.

381. Did you afterwards go amongst them to endeavour to induce them to go to Dungarvan?—I did not, but at the time of the retreat I spoke to them all; some of them came with me on a car part of the way. We were obliged to leave the cars, and some of them escorted me on foot over the mountain, so as not to pass the Half-way House, and they all of them said to me, "If we were to get our farms for nothing, by this that and the other, we would not face the mob for the world;" and I said, "It would not be fair to ask you;" and they all said, upon that occasion, they would not go again.

382. Were you going to vote for Captain Talbot yourself at Dungarvan?—I was.

283. You did not vote for him?—No, I did not; I would have done so if I could.

Cross-examined by Mr. *Waters.*

384. You would have voted for Captain Talbot if you could?—I would.

385. I believe you have taken a very great interest in politics in the county of Waterford for a number of years?—I have not.

386. Has any election passed in the county of Waterford in which you have not taken an active part?—I have always taken the part which my principal wished me to take. As to my own individual part, I am not a politician at all, and no agent ought to be, in my opinion.

387. The part which your principal wished you to take was always on the Conservative side?—Certainly.

388. And do you wish the Committee to understand you that you did that solely because you were ordered to do so?—Most decidedly.

389. And I suppose the tenants acted upon the some principle?—I cannot say as to that.

390. What do you think?—I cannot form an opinion as to what a lot of men will do.

391. Have you not sworn, with reference to the intentions of these men to my learned friend, Mr. Harris, a moment ago?—As to what they expressed to me; they expressed their willingness to me to do so.

392. Had you not formed an opinion of their willingness to vote for a Conservative candidate from their own expressions as well?—I can form this opinion from the kind way in which they have been treated; there has never been one turned out from a farm or from the homestead; I am sure that they would do everything they could for their landlord.

393. We will assume that you are the best agent in Ireland?—No, it is the landlord who deserves the credit.

394. You started that morning with a great number of cars?—Yes.

395. Had you had any communications with the tenants before that morning?—With some I had, with some I had not. I sent the bailiff to a great number of them.

396. Did you not go to a great number yourself?—I do not think I did; I saw them from time to time if I met them on the road, or if I saw them in Clonmel, but I did not go to a single one of their houses, barring one who lives near me.

397. You said something about a letter from Lord Stradbroke; did you go with that letter to the tenant?—I did not.

398. Did you read it to any of them?—I am sure I did not.

399. Did you read a passage from that letter to the effect that if they did not vote for Captain Talbot they would be turned out of their farms?—No.

400. There was no such passage in the letter?—No; I will tell the Committee the passage in the letter if the Committee wish.

401. Have you got the letter?—No; I only got the notice last night to produce the letter.

Mr. *Harris* submitted that the Witness had a right to speak to the entire contents of the letter.

Mr. *Waters* submitted that that was not so.

The *Chairman* stated that Mr. Harris could ask any questions about the letter in re-examination.

402. Mr. *Waters* (to the *Witness*).] You know this gentleman, Mr. Edmund Power?—I do, very well.

403. Did you tell Mr. Edmund Power that there

there was a passage in Lord Stradbroke's letter threatening the tenants with eviction if they did not vote for the Conservative candidate?—I do not think I did say so; and if I did say so, I do not think that it is right of Mr. Edmund Power to repeat what took place in a private conversation.

The *Chairman* stated that if this was to be pursued further, Mr. Edmund Power must leave the room.

Mr. *Waters* stated that he asked the Witness the question for the purpose of refreshing his recollection, and pointing to a particular transaction, and that he did not intend to examine Mr. Edmund Power, as he was in the room yesterday.

404. Mr. *Waters.*] Is your answer that you do not recollect saying that?—I am quite sure that I never said that he would evict anybody that would not vote; if you like to hear what I said I have no objection to tell it.

The *Chairman* informed the Witness that if he answered the questions of the learned counsel strictly, he would then be in the hands of his own counsel, who would re-examine him.

405. Mr. *Waters* (to the *Witness*).] You did get such a letter?—I did.

406. Is it in existence?—I dare say it is, I could not tell.

407. You have not brought it with you?—No; nor any other of Lord Stradbroke's letters.

408. I suppose if it is in existence you could easily procure it?—I could go home to search.

409. Do you know a man named Dwan?—I do, well.

410. He, I believe, is a tenant of Lord Stradbroke's?—He is.

411. Is he also a tenant of Mr. De La Poer, the sitting Member?—He is.

412. Did you go to Dwan to ask him to vote for Captain Talbot?—I did not go to him.

413. Did he come to you?—He did; or I met him.

414. Did you ask him or tell him that he should vote for Captain Talbot?—Most decidedly I never did.

415. Did you say anything to Dwan about voting at the election?—I did.

416. Did you produce the letter to Dwan?—I did.

417. And read it for him?—I think so.

418. And of course I need not ask you if you read it truly?—That is a question I will explain, if the Committee will allow me.

419. The usual course is to answer a question before you explain?—I think after reading that letter there was a conversation which I had with him subsequently, which I can repeat; he may have taken that conversation to have been a part of the letter.

The *Chairman* stated that that was no part of the learned counsel's question.

The question being repeated to the Witness.

Witness.] I did accurately read it to the best of my opinion; but that requires explanation.

420. By the *Committee.*] When you say to the best of your opinion, did you read the whole of the letter to him?—No: the whole of the letter could not be read.

421. But so much of the letter as you read to Dwan you read accurately?—I did.

422. Mr. *Waters.*] Did you, with the letter in your hand, say to Dwan, as if they were in the letter, any words which were not contained in it; that is the plain question?—It is a most difficult question to answer; if you will let me explain the whole thing it will come out; will you let me explain afterwards?

Mr. *Harris.*] Certainly; I will ask you the question.

423. Mr. *Waters.*] My question is this: did you, in that conversation with Dwan, say to him any words as if they were in the letter, which were not in it?—No.

424. Now explain as much as you please?—I said to Dwan this: "Here is a letter from Lord Stradbroke, in which he desires me to mention to his tenants that he wishes every one of them would vote for Mr. Talbot, as he was friendly with the Waterford family, and that they should be all brought at his Lordship's expense." Dwan said: "I am a tenant of Mr. De La Poer." Says I, "Being a tenant of Mr. De La Poer, and being also a tenant of Lord Stradbroke, and voting out of Lord Stradbroke's property, I recommend you strongly to remain at home and vote for no person, and that will not a bad compliment to either party." Mr. Dwan will come here and tell the truth if he is in town; and he is a very correct man. Then we were talking about some buildings from Mr. De La Poer, and I said, "Recollect that you have a lease from Lord Stradbroke, at a good fair occupation rent," and, I said, "If I were the landlord, when the lease was out I would let you get more land from Mr. De La Poer, and I would give the farm to some person whose political feelings agree with my own, that is what I would do; take care, Lord Stradbroke may have the same feeling."

425. Did you mean to convey by that, that Lord Stradbroke had the same feeling?—I did not; I could not tell what feeling Lord Stradbroke had.

426. What did you mean to convey by this?—I meant to convey, that it would be natural, in my opinion, if Lord Stradbroke had the same feeling: I could not answer for his Lordship; he produced me some letter in his own house; a letter that he had from Mr. De La Poer.

427. What did you mean to convey by that expression?—He might take it any way he liked.

428. How did you mean it?—I meant it in this way——

429. Did you mean it as a threat?—I meant, that I thought it would be safer for him to remain at home, and not take the chance, and not pay a bad compliment to anybody; of course, I wished him to vote for Captain Talbot.

430. Is that too harsh a word to use; did you mean it as a threat?—I cannot say I meant a threat, and I cannot say I did not mean a threat; he might take it any way he liked.

431. And you guessed how he did take it; now, may I ask you, did you happen to say anything like that to any other of the tenants?—Not one, to my recollection, I believe.

432. Dwan was the only one?—Dwan was the only

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only one, because he was the only one on the whole estate so circumstanced.

433. Do you know that Dwan's lease has only five years to run?—I believe it is very much longer, to the best of my recollection; at present we have a great many leases on the estate.

434. At any rate, we may be almost certain that it is some short period?—Somewhere between five and ten years.

435. Because, if it were for a longer period, you would not have used those words, which might be a threat, or might not be a threat?—Eight years, I believe, it has to run, to the best of my knowledge.

436. Had you that letter with you when you went to any of the other tenants?—I did not go to any of the tenants hardly at all.

437. Did you not go to any of them?—I do not recollect that I did; I spoke to a great number of them.

438. Did you send for them?—I sent to them.

439. Did they come to you?—I met them casually.

440. By the *Committee.*] Had you any such communications previously to the election as would render a distinct visit from you to their houses, for electioneering purposes, unnecessary?—There was no necessity for my calling upon them; I sent the bailiff to them, and I told the bailiff Lord Stradbroke's wishes with regard to the election. I said, "Carney, are all the tenants inclined to vote?" and he said, "All of them, every one of them," and, therefore, I had no necessity for further conversation with them, unless I met them by accident.

441. Then you were in possession of such information as satisfied you how the tenantry would vote?—Decidedly I was.

442. Mr. *Waters.*] Am I to understand you, that your answer to me is, that you had not personal communications with the tenants?—I did not say that; I said I met them very often; I live in the midst of them; I go to Clonmel once or twice a week; I go about the farms that I am farming, and I fall in with them occasionally, and had a conversation with them; very likely a man would say, "We are to start, what time will the election be"? or words of that sort, and I say, "Such a day," but I never went specially to their houses.

443. Answer the question; had you personal communications with the tenants, as to the way they were to vote upon this election?—Whenever I met them, I stopped them.

444. Will you mention the name of any tenant with whom you had personal communication?—I had personal communication with Edward Nugent for one.

445. Anybody else?—Before the election?

446. Of course, not after; I asked, had you any communication with them as to the way in which you wished them to vote; is Nugent the only man with whom you had communication, of all the Stradbroke tenants?—No; I had constant communications with them.

447. With all?—With the great bulk of them; some of them I did not see at all; I have answered the Chairman of the Committee that I sent a bailiff.

448. Did you give the bailiff a copy of the letter?—No, I did not.

449. Did you read the contents of the letter to the bailiff?—I did; I told him the contents of it.

450. And did you tell him to communicate the contents of the letter to the tenantry?—Certainly I did.

451. Can you recollect whether you had personal communication with any of the tenants besides Nugent?—I cannot recollect any one communication I had with the tenants upon that particular subject.

452. But Nugent?—But Nugent; but I had communication with them upon other matters, and, as a matter of course, the great probabilities are that I talked of the election too; I do not want to conceal anything; I want to tell everything I know.

453. Is your answer now to me, that you had not personal communications with regard to voting, except with Nugent, so far as you can recollect?—If you mean that I went to them personally, and for the express purpose of talking of the election, I did not do so.

454. If they came to you?—They did not come to me upon that; they may have come to me upon other business and they may not, and if they did come upon other business it is decidedly probable that I spoke of the election, because I knew very well that every man Jack of them would vote in any way that Lord Stradbroke wished; I knew that well.

455. They were so much attached to Lord Stradbroke?—No doubt of it.

456. And to you?—I do not know as to me.

457. Once more; had you communication with any one to your recollection but Nugent?—I cannot mend my answer.

458. You know what I am coming to; do you know a man called Patrick Coffee?—I do.

459. Is he a tenant of Lord Stradbroke's?—He is; either he or his father is; his father is, I believe, the tenant.

460. Had you any conversation with the tenant named Coffee, with regard to his voting?—I had not.

461. By the *Committee.*] Are both the father and son voters to begin with?—As far as I recollect the son is the voter; I am not quite sure about that.

462. Mr. *Waters.*] The name is Coffee, of Knocknellyshean?—Yes; I know the man.

463. You say you had no conversation with him as to the way in which he should vote?—I had a conversation with him; I met him at Clonmel once or twice, and had conversation with him.

464. Did he refuse to vote for Captain Talbot?—No.

465. Did he object to vote for Captain Talbot?—No, he said he would vote for Captain Talbot, or any other person that Lord Stradbroke was interested for, if he was not afraid of his life to go to Carrick to do so, because if he went to Carrick he was sure that he would never come home alive.

466. Coffee is a Roman Catholic?—I believe so.

467. Had you any conversation with him about his paying up the rent if he did not vote for Captain Talbot?—I had this conversation with him; "You have a lease for 200 years; you are always in the habit of paying your rent when it falls due, and I hope you will be prepared to do so in future."

468. Did that occur in the same conversation as

as the other about the voting?—I had two or three conversations with him.

469. Was it at the same time that you spoke to him about the rent, that you spoke about the voting?—Not a word of it at the same time.

470. Was it the same day that the conversation about the rent occurred, as the conversation about the voting?—I could not tell.

471. Was it the same week?—I could not tell.

472. Are you quite sure that that conversation about the rent was not at the very same time that you had told him how he was to vote?—I am quite sure about that; I am quite sure that when I talked about voting I did not say anything about rent; because why should I? if he went down he said he should risk his life, and if he did that I had no reason to threaten him about the rent; you cannot make a coercion upon that stage.

473. I believe that nearly all the tenants upon the estate are Roman Catholics?—They are all Roman Catholics, as far as I remember, but one, Mr. Fry, and he is a clergyman.

474. You had not to threaten Mr. Fry?—No.

475. By the *Committee.*] Then are the Committee to understand that it is a purely Roman Catholic tenantry, because of course a beneficed clergyman of the Established Church is not looked upon as a tenant in that sense?—No; I do not recollect a single Protestant at this moment upon that estate.

476. There are 80 tenants, you said?—About 80 voters; a great many more tenants.

477. Mr. *Waters.*] I think you said you had about 75 or 76 voters with you that day?—That is including parties who were not tenants of Lord Stradbroke; they were not all of them tenants of Lord Stradbroke.

478. With regard to Coffey, I think you said that Coffey has a lease?—He has a very long lease of about 100 or 200 years, not from Lord Stradbroke; he purchased that.

479. And you had a conversation with him about the payment of his rent?—I had.

480. About this time that you spoke to him about the voting?—I had no conversation with him at all about the time of the voting, with regard to his rent.

481. Did you not say that you had a conversation with him about being punctual in paying up his rent?—Long after that.

482. Is it the fact that Coffey refused to vote for Lord Stradbroke?—It is not a fact.

483. Did he vote at the election?—He did not.

484. He stayed at home?—He did.

485. Did you try to get him to go with you?—I tried to get him to go to Carrick, but not to our place, because he polls at a different polling place.

486. Did he go or not?—I cannot tell; I believe that he did not go.

487. After the election, did you send the bailiff to Coffey with any message about the rent?—I did not, but I told him myself.

488. Did you say to Coffey, that as he would not vote for Lord Stradbroke, you would make him pay up his rent punctually?—No.

489. Anything like that?—I saw Coffey in the street, and I said, "Coffey, I hope you will pay your year's rent on the 25th of March," and he said, "Yes, sir, I will; I am prepared to pay it."

490. By the *Committee.*] That conversation was subsequent to the election?—That conversation, upon my oath, was subsequent to the election.

491. Mr. *Waters.*] Did you say anything about that, when you wanted him to vote?—Not a word; he knew very well ——

492. Knew what?—I am only guessing; I suppose he knew very well the reason why I said that.

493. What was the reason?—Because I thought he ought to have gone to Carrick to vote.

494. And he ought to have obeyed your commands?—He ought not to have given such a pusillanimous reason, as that the mob would kill them. In 1852, Carrick was a msot violent place, that was the place at which they polled at that time, not at Dungarvan, for those were in a different barony, and he made this a pretext that he was afraid he would be eaten alive if he went there.

495. Is it the usual custom on the estate to make a man pay his rent on the day it is due?—It is the usual custom to pay one half-year's gale within the other.

496. Did you not say that the entire year?—I did.

497. And on the 25th?—Immediately after the 25th.

498. It was in consequence of his not going to vote, was it not?—I said that in consequence, certainly, of his not going to vote.

499. You said that you had somewhere about 70 of Lord Stradbroke's tenants that morning; it is not material to know the exact number?—About that; about 75, I think, were there altogether, and then you deduct, I think, two.

500. Somewhere about 70?—Yes, I think so.

501. There were over 80 on Lord Stradbroke's property?—Over or about 80.

502. Is it the fact that the tenants were making various excuses to endeavour not to be forced to go to vote?—It is not the fact, but the very contrary to the fact.

503. Do you know John Norris?—I do, indeed.

504. Had you to use any greater persuasion with regard to him?—Not the slightest. He was the man who was the most anxious to go to vote upon all the estate.

505. Through love of Captain Talbot?—I do not know through what it was; but if you walked through all of the estate you could not pick out a man more willing to vote than that very man. That is a very extraordinary thing, and that I swear to.

506. But you had a conversation with him about it?—Not a word.

507. The only thing he said was, what?—That his health was delicate.

508. And that was his only excuse?—He did not want the least excuse.

509. Out of 80 you had only about 70?—That was a very bad draw that of picking out John Norris, of all the men upon the whole estate.

510. They were all willing to go?—As far as I heard or saw, or knew.

511. You started in the morning about a quarter before six?—I started from my own house.

512. And you finally started from Ballymacabry after breakfast?—Yes.

513. Did you go the direct road to Berry's Cross?—

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The *Chairman* stated that they had already had this in evidence.

514. You diverged from the direct road; did you take up other persons on the way?—Not one. In fact, from the time I met the cars at the Clonmel end of the estate until we quitted Lord Stradbroke's estates, we did not pick up a voter barring his Lordship's, because we travelled about eight miles through Lord Stradbroke's estate.

515. By the *Committee.*] But the question is, after breakfast, after your second departure, did you take people up as you went along?—Certainly not, to my knowledge, barring Lord Stradbroke's voters; we picked them up after that.

516. Mr. *Waters.*] Having collected all you could of them, you came on to Berry's Cross?—We collected all that we could.

517. You arrived there about 20 minutes to 12?—Yes, that is my opinion.

518. At the time that you arrived there were the Carabineers and the police still with you?—Part of the police.

519. I understand you to say that you had about 25 cars with you?—I did not say that; I said I thought that we had about 40, to the best of my recollection, and that I believed that there were 25 told off to go up the road.

520. How many had you at Berry's Cross?—About 40.

521. I presume they came along the road, forming a regular procession one after another?—Yes.

522. Were there amongst the persons on those cars any of the Chandler Estate tenants?—Not that I know of.

523. Were they all Lord Stradbroke's tenants, with the exception of some very few?—As far as I know they were; I can name them if you like.

524. The estates, I believe, join; they are very close to each other?—They are; the boundary is straight between.

525. As you came along the road you say that the cars were one after the other, and you stopped at Berry's Cross?—Yes.

526. Where were the police; in what part of the procession?—To the best of my recollection, in front.

527. The 6th Dragoon Guards in the rear?—Up to that they were part in the rear and part in the front, till we halted.

528. Did the procession halt in the same order in which it went along the road?—Yes.

529. The last car was a considerable distance back from Berry's Cross when you stopped?—Of course it was.

530. How soon after you arrived at Berry's Cross did the Lancers come?—They were there before us, as I recollect.

531. And they then went down this other road?—After some time.

532. After what time?—I suppose 10 minutes or a quarter of an hour.

533. How far had they gone down the Lackandarra-road before you saw any stones thrown?—I had not gone, in my judgment, a hundred yards, or anything like it, because when they moved from the field that I was in view of there was a sloping bank, and from that field I saw all the stones thrown at the Carabineers; you will have the particulars from the Carabineers.

534. It is of the Lancers that I am speaking, not the Carabineers; they had gone some distance from the cars before there were any stones thrown?—Some distance; a very little distance.

535. Then you say the mob came back in front of the cars?—I say that the mob disappeared from that field; not a single soul was in it; they crossed over this fence, and went under the furze here, and came up here again (*describing the same*), and they headed in front of our cars; and when they did that they had our cars here before them, the Carabineers were gone, and the mob was increasing here (*describing the position*).

536. Where did the Carabineers go?—They fell back to the rear when they came up.

537. Where did the police go?—The police remained on the cars, as far as I remember.

538. Were you in the front of the procession at this time, when you saw the stone throwing at the Lancers?—No.

539. Was it at the front of the procession or not?—What I intended to say was, that one of my men brought me down for the purpose of seeing the mob coming up, and pointed them out to me; I came up from there, and spoke to the stipendiary magistrate, Mr. Coote, and told him about the mob; I then went from there into a high car, where I could see and have a good view, that was much about the middle of the line of cars; and it was from that that I saw the stones thrown at the Lancers; and it was from that I saw them double up by the ditches, and come round and head our cars.

540. The stones were thrown at the front of the procession?—Yes.

541. And you say then that the rear fell into confusion?—No; I said that when the cars were stoned, and the men were stoned, the men got out of the cars as quick as they could, and the car boys wheeled about their cars across the road, this way, and that way, and that prevented the Carabineers from coming up from the rear, and they were obliged to back round.

542. Did the voters jump off the cars?—They did.

543. Did they run away?—They ran away from car to car as they were stoned, and one of my men came up to me and said, "Come out of that; jump, for God's sake, or you will be killed;" and I fell in among the Dragoons, and I went back with the Dragoons; and the person who was conducting for Captain Talbot (a Mr. Pendergast) came to me and said, "What had we all best do?"

544. At any rate, the voters ran away; they left the cars and ran away; is not that so?—The voters left the cars.

545. And scattered?—And scattered, certainly.

546. You did not get them together again that day?—I got a great many of them; in fact, the whole bulk of them came, as far as I know, barring one or two, and they got home as well as they could. Some of them went over the fields and a long way off, and lodged until the close of the night, and got home in that way; and some came with me, and brought me over the mountain on foot.

547. About how many houses are there at Berry's Cross?—One or two; I think there is a second one on the left-hand side, pretty near it.

548. Is there a police barrack there?—I think not; there are two houses there, one a little nearer

nearer to Clonmel, and one at Berry's Cross, on the opposite side.

549. Did the carabiniers, after the voters had run away in that manner, go to Dungarvan, or back to Ballymacarbry?—They did not come back with me.

550. I suppose they went to Dungarvan?—No, they did not, because they passed my gate in the evening.

551. Did the police go?—They went away.

552. Did they go away before you left Berry's Cross?—I do not know what became of them.

553. You were asked if you knew the families of Lord Stradbroke's tenants?—I do.

554. And there was not even a servant-boy there?—I am positively certain, as sure as I sit upon this chair, that there was not a man, or woman, or child, or servant, of Lord Stradbroke's tenants there; the men were all anxious to come.

555. That you swear?—That I swear; you will have them here.

556. Not the whole 70, I hope?—I wish you would send for them all, and see if they would contradict me.

557. They were all anxious to vote?—They were all anxious to vote.

558. They do not profess principles of tenant-right, of course?—We know nothing about tenant-right upon that estate at all.

559. Do you know where the servants, boys, and sons of the tenants were that day; were they at any other place besides Berry's Cross?—I suppose they must be somewhere besides Berry's Cross.

560. Did you ever hear where they were?—I never heard.

561. Did you ever hear that they composed some part of an assemblage to take away some voters?—No, I do not believe it.

562. Did you ever hear that some of Mrs. Chandler's tenants came too?—I did not.

563. Do you not believe it?—I know nothing about Mrs. Chandler's tenants.

564. There was a good deal of excitement in Waterford?—There was.

565. There was no doubt about it that Mr. De La Poer was the popular candidate?—Decidedly, amongst the mob.

566. You would not consider Lord Stradbroke's tenantry a mob?—Decidedly not; nor you either, if you knew them.

567. And Mr. De La Poer was not popular amongst them?—I really cannot tell whether he was or not.

568. What do you mean?—I cannot tell what was going on in another man's mind.

569. You told us awhile ago that they were most anxious to vote for Captain Talbot; is not that telling us their mind?—They were most anxious to vote for the friend of Lord Stradbroke; whether it was in compliment to Captain Talbot or Lord Stradbroke, I do not know.

570. After the election some of the tenants said to you, that if they were to get their farms for nothing they would not go to Dungarvan?—They said that.

571. Did you understand that as giving a clue to their intentions in voting?—I understood it as meaning that they were afraid for their lives; and they were thanking God that they got home to their families with whole bones; some of them did not do that; you will have them here.

572. Could you say about how many of the mob were actually engaged in the stone throwing?—No.

573. Did you hear Mr. Fry say yesterday about 100?—No, I was not in the room.

574. Do you think that about 100 were engaged at Berry's Cross in stone throwing?—My opinion is that there were more than 100; they began with a few, and were perpetually coming up from the Dungarvan side; the women were picking up stones in their aprons.

575. And you think there were 300 or 400 altogether?—I think so, including men, women, and children.

576. At what time did they begin to collect; how long a time elapsed from the time you arrived at Berry's Cross till they began to collect?—They began to come up in about a quarter of an hour or ten minutes; it was about a quarter of an hour when one of our tenants brought me down the road to see them coming up, and there they were coming, coming, coming, till we caught this man riding about, catechising them, and so forth; and they began to increase, and increase, and increase.

577. At about what hour was it when you finally left Berry's Cross?—About half-past 12, upon a guess.

578. And do I understand you that you were there only about three quarters of an hour altogether?—I should say from three quarters of an hour to an hour; it is very hard to answer questions of that kind.

579. I only want to get an approximation of the time?—If it will be of any use, I will give my opinion.

Re-examined by Mr. *Harris.*

580. You have been asked about a letter of Lord Stradbroke, to produce which you were called upon last night, and you have not that letter in London; can you tell, from your recollection, what the contents of that letter were?—I can, well.

581. Will you state the contents of that letter to the Committee as accurately as you can?—The contents were directing me to tell the tenants, or have it communicated to the tenants, that it was his lordship's wish that they would support and vote for Captain Talbot, something like that; he was interested for that family; and also to tell them that they should be taken to Dungarvan at his lordship's expense.

582. Did that letter contain any threat directed towards any of the tenants if they did not so vote?—Upon my oath, it did not in the slightest degree in the world; Lord Stradbroke is not a man to write to me to hold out threats to the tenants; he goes to see them every year, and spends a month amongst them.

583. Did the letter contain any inducement to lead them to vote?—Not a bit; nor has he in any conversation that I have ever had with him, told me to make use of any threats; he and I were both satisfied that the tenants to a man would come with us.

584. You have been asked as to whether the letter which you purported to read was accurately read by you to this man Dwan; did you intentionally read anything to Dwan which was not in the letter?—Most decidedly I did not; what happened was this: Dwan brought me a letter from Mr. De La Poer, and he said that Mr. De La Poer would not be satisfied with his remaining at home, and that he should go and vote for Mr.

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De La Poer; I told him, "Very well, if that be the case, I think you are acting foolishly for yourself; and I think it would be better for you not to pay a bad compliment to either party, more particularly as you vote out of Lord Stradbroke's land; for myself, if I were your landlord, when your lease expired, I would get a person whose political feelings agreed with my own, and you should get more land from Mr. De La Poer, and take care that Lord Stradbroke is not of the same opinion."

585. Did you convey to Dwan that that was not a portion of Lord Stradbroke's letter?—Decidedly; I could not convey a positive falsehood; if his lordship were here, I should like you to see the way; I should be here then.

586. By the *Committee.*] You have stated in cross-examination that you did not read the whole of the letter to Dwan; what part of the letter did you omit to read?—That which had no connection with the elections at all; business matters of other descriptions altogether.

587. Mr. *Harris.*] As to the conversation you had with Caffey, with regard to his paying up his rent, on the 25th of March, did that take place before or after the election?—After the election; it must have taken place after the election, because I believed at the very last hour that he had gone to vote at Carrick with Lord Waterford's men, and joined Lord Waterford's tenants.

588. By the *Committee.*] You have stated that the stone throwing began at the head of the procession on the Dungarvan side; when the people retreated towards the rear of the procession, that is, towards Clonmel and the Carabiniers, did the mob follow them, and continue throwing stones at them?—They continued throwing stones as car after car until they got the back car empty; they went to that car, and they broke that car and turned out every man in it, and then they went to that car (*describing the same*), and then to that car, and as they got the voters out they pelted them; some of them came up to me with bloody heads, and so forth.

589. But the mob followed them and destroyed the cars?—Yes; a great many of the cars.

590. Mr. *Waters* (*through the Committee*).] How many of the cars were injured?—I could not answer that question; but I could answer it in this way, that the car owner, as I understand, put in a presentment for 300 *l.* for the cars; that is the only way in which I could understand how many cars were broken.

591. By the *Committee.*] But you have only heard that?—I have only heard it.

592. The election accounts have not been furnished, have they?

Mr. *Harris* stated that the phrase "put in a presentment," meant an application to the grand jury, under the Malicious Damages Act.

593. Mr. *Waters* (*through the Committee*).] Have not the assizes since taken place in the county of Waterford, and the grand jury disposed of that presentment; and how much did the man get?—Nobody could be conversant with the grand jury business without knowing that that would be impossible; first and foremost, the informations and everything must be done, and then they must go before the Road Sessions, and he could not get his money according to the law of the land before the next assizes.

594. By the *Committee.*] Then the Committee may understand that no decision has been given upon the presentment of the car owner?—It could not be by the law of the land.

[The Witness withdrew.

MURDOCH G. MACLAINE, Esq., was called in; and, having been sworn, was examined by Mr. *Stevens*, as follows:

M. G. Maclaine.

595. YOU are an officer of the 6th Dragoon Guards?—I am.

596. On the 28th of December, were you told off for duty?—I was.

597. Did you accompany any body of voters from Clonmel towards Dungarvan?—I did.

598. Were you on that occasion in command of the rear guard?—I was.

599. What time did you arrive at Berry's Cross?—I had not a watch with me, and I could not tell exactly the time; between 12 and one, I think it was; it might have been later, perhaps, but I am not certain.

600. It has been said that there was a long procession of cars, was that so?—Yes, up to a certain point there was; at the bridge we sent 28 of them one way, and we took the rest over the mountains, in another direction.

601. The procession divided at the bridge?—Yes, Ballymacarbry Bridge.

602. Were the cars which so left the procession to rejoin it at any point?—Yes, they were to rejoin at Berry's Cross.

603. You remained with the remaining part?—Yes.

604. By the *Committee.*] Did you take to the right hand of the road?—I took up on the left, on the mountains.

605. Did you accompany Lord Stradbroke's tenantry, or did you go with the party which went up the Nire road?—I accompanied Lord Stradbroke's tenantry.

606. Mr. *Stevens.*] Lord Stradbroke's tenantry were, in point of fact, with you when you arrived at Berry's Cross?—Yes.

607. Did you halt at Berry's Cross for the other party to join you?—Yes.

608. Did they join you?—No.

609. The party with you were mainly Lord Stradbroke's tenants?—Yes.

610. The party that left you went to collect other tenants, whom I might call the Chandler tenants?—So I believe.

611. When you halted at Berry's Cross were you joined by another party of military?—Yes, the 12th Lancers.

612. Do you know where they came from?—Dungarvan.

613. Do you know for what purpose they came there?—To escort the voters into Dungarvan; they went to relieve us at Berry's Cross.

614. Then you were to have returned to Clonmel?—Yes.

615. Therefore, in point of fact, there was a double escort at that moment at Berry's Cross?—For a very short time.

616. Whilst you were halted at Berry's Cross, did

did you notice any crowd assembled?—Yes; I did; when I got to the mountains.

617. Was that what might have been about 40?—At first.

618. Did the crowd increase?—It did.

619. Did you notice how it increased?—There were about four or five men on horseback, very clever little hunters, they got over the fences very quickly, and they gathered the mob in all directions to this point.

620. Were those mounted men acting in all appearance with the mob?—I could swear to that.

621. And the mob acted under their guidance?—I am certain of it.

622. When the mob assembled as you describe, did they say anything?—Yes; "Down with the Tories. Here is Poer; there is only one life to lose, and that is for Poer." They warned us to go home. We went the whole way over the mountains.

623. Was that before you reached Berry's Cross?—Yes; I suppose it was on the bounds of Lord Stradbroke's property.

624. Some distance before you got to Berry's Cross, you were warned to go home?—Yes.

625. When you got to Berry's Cross, did you find anything to justify those threats?—Not then; afterwards there were.

626. Did the mob do anything?—They pelted us with stones unmercifully.

627. When you say pelted you, do you mean the soldiers?—Yes; and the voters also. The stones were meant for the voters, but they pelted the soldiers too.

628. Did the soldiers then do anything?—No; in fact, they behaved in a splendid manner.

629. Were those considerable sized stones?—Yes, they were; what they call there two-year-old stones, I believe.

630. Did those stones hit anybody?—Yes, they did.

631. Did they hit any of your men?—Yes; three of them are still in hospital from the effects.

632. I suppose from that, being three months ago, they must have been seriously hurt?—They were very seriously hurt, indeed. I suppose that one man will never be able to use his sword arm again, and one man will never be able to put his helmet on again.

633. What did you do under that attack?—Look on. We were made regular "Aunt Sallys" of, during the whole time. We looked on.

634. Did you do anything with the view of protecting the voters?—Yes; we flanked the cars on all sides till the voters got so frightened, and justly too; in fact, if they had stopped there, they would have been killed or severely hurt. They said it was as much as their lives were worth to stop there.

635. Did anybody try to reason with the mob?—Being in the rear-guard, I heard very little. I could not hear if anybody spoke to them or not, or see well.

636. You say that the cars were turned round, and they endeavoured to retreat?—Not till the very last; they stopped till the last.

637. How long did this attack last?—About 15 minutes.

638. What became of the Lancers; you said that the Lancers were there also?—They went to the rescue of some other voters.

639. Were any of the cars injured?—Yes, several of them.

640. There is one question which I must put with regard to the Lancers; the Lancers went away?—They did.

641. Did you afterwards, yourselves, in consequence of anything that happened, make an attempt to join the Lancers?—After it was all over; at least half the troop did.

642. Did the portion of your troop that went in that direction find any impediment in their way?—Yes.

643. Mr. *Waters.*] Did you go with them?—I was left behind.

644. Mr. *Stevens.*] But, at the point that was under your observation, were there any obstructions in the road?—Yes; in the way which the troops went there was a large iron gate built up, I suppose in about three minutes, across the road.

645. That was in the direction that the Lancers had gone?—Yes.

646. That gate had been so removed?—Captain Betty, who went down the road, saw it first, and halted the men in time, or else he must have gone over it.

647. You have spoken of mounted men; did you see any persons mounted after the riot?—Yes, I did.

648. Where were they?—They were some men that followed us and laughed; they followed us a good piece of the way, and then went back again.

649. By the *Committee.*] They followed you up the Clonmel-road again, and then turned back?—Exactly.

650. Mr. *Stevens.*] Were you yourself asked to get out of the way of any mounted men?—Yes, I was.

651. Who were they?—They were two priests.

652. Two Roman Catholic priests?—Yes.

653. Where was this?—At Berry's Cross, when I was left there with about 15 men in charge of the party.

654. At the same place where this attack took place?—Yes.

655. After Captain Betty had gone away?—Yes.

656. Did those clergymen ride quietly past?—Yes, they did.

657. Did anybody accompany them?—The whole mob did, cheering them.

658. Did the mob say or do anything?—"Get out of the way;" "Get out of the way."

659. Were they silent or did they cheer?—They cheered frightfully.

660. They cheered as if they had won a victory?—Yes, that seemed to be it.

661. You said that of your own men some had been seriously injured?—Very seriously injured, indeed.

662. Were those men, or any of them, able to ride back again to Clonmel?—No, they were not.

663. How did you get them to Clonmel?—I got a car that I saw about there, and the man at first refused to go; at least I had to press him, and then he came; and then the mob came forward and got hold of the horse's head, and would not allow the car to go on.

664. Was the wounded man in the car at the time?—No, he was in the house at Berry's Cross; he was lying in there, and the Roman Catholic

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clergyman put his head out of window, and called out, "It is all right; let them pass on; there is a wounded man in the house."

665. At this very house?—Yes.

666. At the scene of the riot?—At the scene of the riot.

667. Did you see the clergyman go in?—No, I did not.

668. Could you say when he went in?—No. I could not say that; I had not noticed him at all until I went up to the house for this wounded man.

669. Had those persons that you speak of anything in their hands besides stones?—Yes, great big shillalahs.

670. Did you notice the way in which the stones were thrown?—They were thrown in the most accurate manner that I ever saw a stone thrown.

671. They were thrown to hit the persons?—Yes, they were the best marksmen I ever saw.

Cross-examined by Mr. *Waters*.

672. Then, I suppose, you had a large number of wounded afterwards?—Yes.

673. What number of voters were killed or wounded?—Not having anything to do with the voters, I could not tell you that.

674. Would you concur with the gentleman who said that no one at all was struck?—Of the voters?

675. Yes?—I am certain there were some of the voters struck.

676. You did not see them?—I saw the stones flying all about their cars.

677. How many people were collected there finally?—About 300 or 400.

678. Men, women, and children?—Men, women, and children.

679. And as is usual in most mobs, the women were the most noisy, I presume?—No, I think they were very quiet.

680. Were the women doing anything?—They were collecting the best stones for the men to throw.

681. The women did not attack you; I suppose they are always fond of the red coats?—We had blue coats, as it happened.

682. I thought you were the 6th Dragoon Guards?—Yes.

683. And you wore blue coats?—Yes, we did.

684. Were one or two troops of your regiment there?—One troop.

685. How many men compose a troop?—A troop is composed of 60 men.

686. How many men were there that day?—Forty men.

687. By the *Committee*.] How many men had you under your own command as the rear guard?—I had 20; the troop was divided into halves.

688. Mr. *Waters*.] There were 20 in the van and 20 in the rear?—Twenty in the van and 20 in the rear.

689. By the *Committee*.] I understood you to say that you divided at the bridge, therefore after that 20 of the carbineers went away in one direction, and 20 remained with you?—No, the police were sent from the division at the bridge with the 28 cars.

690. The police were sent on, and the whole of the military remained together?—Yes.

691. So that you came into Berry's Cross 40 strong?—Forty rank and file and two officers.

692. And how many policemen?—Twelve policemen.

693. Mr. *Waters*.] Were the police on cars?—Yes, they were.

694. Under whose command were you all that day?—Under Captain Betty's command.

695. Was there any magistrate or any civilian in the charge of the body?—Yes, there was a resident magistrate, Mr. Warburton.

696. Did you see Mr. Coates there that day?—Yes.

697. Did you know him before then?—Only that morning.

698. You had some conversation with him?—I breakfasted with him that morning.

699. Did you get any instructions from him with regard to the business?—No, I did not receive any instructions from Mr. Coates at all.

700. But you had some talk with him about it?—Not to my recollection.

701. Did I understand you to say that the 20 men in the rear kept that position during the entire journey, from Ballymacarbry to Berry's Cross?—They did.

702. You were not assailed anywhere upon the road, but at Berry's Cross?—That is all.

703. You were with the rear guard all the time?—I was.

704. And you kept a good sharp look-out that none of the voters should jump off the cars?—I did; they jumped off every now and then to please themselves, but they jumped on again as smartly as they could.

705. That was your duty in the rear?—To keep the cars as close together as possible.

706. And to keep the men as close together as possible?—You could not prevent the men from going if they wanted to, I was not going to chivy a lot of men across the fields.

707. When you arrived at Berry's Cross, did the men remain on the cars for some time?—They did.

708. They remained sitting on the cars?—I did not say that they were all sitting; there were some standing looking on.

709. And a considerable period elapsed before any stones were thrown?—A few minutes.

710. Were the Lancers there on your arrival, or did they come up afterwards?—We came up together at the same point almost.

711. How many men were there of the Lancers?—I was not commanding the Lancers.

712. But will you tell me about the number. Were there 1,000, or 100, or 20?—Captain Orred is here, and he can tell you.

713. Were there not about 40?—I cannot tell you, because I was in the rear guard.

714. Did you see them there at all?—Of course, I saw the Lancers.

715. And you can form no estimate at all as to their number?—No, I could not.

716. Were they drawn up when you came up?—Yes, they were drawn up.

717. And you could not say whether there were half a troop, or a whole troop; could you give no estimate as to their number?—There was not a whole troop.

718. Then they were something under 40. Will you press yourself so far as to say there were about 40?—No, I would not.

719. Would you say 30?—No, I would not say that.

720. Would you say 20?—I tell you that I really cannot say.

721. How

721. How many of your own troop were there?—Forty.

722. Will you say that there were 20 Lancers?—I cannot say how many Lancers.

723. And 12 police?—I am certain of the 12 police.

724. The stone throwing did not commence at the rear?—No, it did not.

725. It commenced in the van?—In the advance.

726. And then you say, that immediately upon the occurring of the row in front, the voters jumped off and ran away?—No, they did not.

727. Did any of them?—I was so busy in looking at the stones that I could not say; most of them stuck to their cars certainly.

728. How many of the cars were injured?—I saw one myself in a most dilapidated state, and I saw several others injured.

729. Just say what you saw?—Two or three were badly hurt.

730. Is it not the fact that the entire number that were injured was somewhere about half a dozen?—I was not a car driver, and I cannot say.

731. So far as your observation enables you to answer?—I should say about three.

732. You remained there till all the voters had disappeared?—Yes.

733. Did you see any voters run away?—Yes, I saw one or two.

734. Will you tell us how many houses there are at Berry's Cross?—I noticed one particularly.

735. But is there not more than one; is there not one just near that place?—Yes, there is.

736. How long did you remain there after the voters went away?—I remained there for, I think, about 20 minutes or half an hour.

737. Did you then return to Clonmel?—Yes, I did.

738. I think you said that your orders were that you were to return to Clonmel?—Yes.

739. But, of course, if necessity arose, you would have gone into Dungarvan with the voters?—Most decidedly we would have done so, if we had gone on.

740. At what hour did you leave. I forget; you have said how long you remained after the voters went away?—I think about 20 minutes, or half an hour. I could not tell you exactly the time.

741. You said, I think, that there were between 300 and 400 in the crowd composing the mob?—Yes.

742. And those were all men, women, and children?—Yes.

743. They were not armed in any way except with stones and sticks?—Yes.

744. Were they big sticks?—Yes, big heavy sticks.

745. Were a great many stones thrown?—Yes.

746. How long did the stone throwing last?—About 15 minutes.

747. At the end of the 15 minutes the voters had disappeared?—Most of them had; yes.

748. Did any one in your presence require any portion of the troops to fall upon the people there?—No.

749. Did you hear any conversation about it?—No, not a word.

750. You heard nothing whatsoever about that?—Not a word.

751. Did you hear any one say, "Why should I fire, as the voters that I came to protect have all run away"?—I never heard a single soul say that.

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752. You were asked about two priests who came on the road there?—Yes.

753. Do you mean to convey that the priests had anything to do with the mob?—That I cannot say.

754. What do you mean to convey?—I do not mean anything; they were led past.

755. What time did they come up?—They came up about five or ten minutes after the row was all over; the mob was still there.

756. But the stone throwing was all over?—Yes, but they were still keeping up their threats.

757. From what direction did the two priests come?—From the Clonmel direction.

758. Had you seen them before that day—before they arrived at Berry's Cross?—No, I had not seen them until that day, to my knowledge.

759. Was it one of those priests that went into the house and saw the wounded soldier?—No, it was not.

760. Do you know who it was that went into the house?—No, I cannot tell.

761. You said that he must have come up after you arrived; did you see him come there?—No, I did not.

762. At any rate, he aided you in getting a car for the wounded man?—No, he did not aid me, I got the car myself; but he told the mob to let me get a car.

763. Do you conceive that to be giving aid?—No, I do not.

764. Do you not consider that he aided you in getting a car?—You may call it aiding if you like.

765. He did not oppose your getting it in any way whatsoever?—No, he did not.

766. What became of the police who were with you then?—I cannot tell you.

767. Did they return with you?—No; I do not suppose that they could keep up so fast as the horses.

768. Do you know, or do you not know, where they went to?—No, I cannot tell.

769. Did they go with the voters?—No, they stood there.

770. Do you know what became of the 12th Lancers?—No, I do not.

771. They did not return with you?—No, they did not.

772. They went in some other direction?—They went in some other direction.

773. I understand you to say that the priests were riding?—They were mounted.

774. The cries of the people were only to make way along the road?—"Clear the way!" "Clear the way!" they were calling out.

775. I suppose when the people saw the priests they came up to them; they were in the fields before that?—Yes.

776. And then they let them pass in the middle?—Yes, they let them pass in triumph.

777. And then the priests went on towards Dungarvan?—Yes.

778. Did not they remain or halt there at all?—No, they did not.

Re-examined by Mr. *Stevens*.

779. An answer was attributed to you; I wish to be quite certain that you meant it; this was

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put down as your answer: that you kept a sharp look-out that none of the voters jumped off the cars; do I understand that you had any orders to take those men as prisoners into Dungarvan?

Mr. *Waters* objected to the question.

The *Chairman* stated that the learned Counsel might ask what the witness meant by his answer, but must not suggest any fresh point.

The *Witness.*] My orders were not to look after the voters.

780. Mr. *Stevens.*] My learned friend said distinctly, and commented upon it, about a sharp look-out being kept to see that none of the voters jumped off the cars; will you explain what you meant by your answer to that?—That I had no power over the voters if they chose to get out every now and again; but my orders were to keep the cars all close together; but of course if the voters wanted to jump off for a minute, for instance, when we got into the mountains several of the mob jumped upon the empty cars; before we got to Berry's Cross we had nothing to do with the voting at all.

781. You were asked with regard to any person giving orders to fire; did you hear any comments made in the mob about firing?—Not a word; I was in the rear guard the whole time, and, therefore, I did not hear it; the magistrate was in front.

782. By the *Committee.*] How many of your men were hurt?—Three were seriously hurt.

783. And were others hurt besides?—All were more or less hurt; one man, seeing a stone coming, put his sword up to guard it, and his sword was cut right in two.

784. Where you able to observe whether the mob followed the retreating voters, and continued to throw stones at them?—There was such a state of confusion, that I could not really observe that.

[The Witness withdrew.

Captain William Thomas Betty, was called in; and, having been sworn, was Examined by Mr. *Harris*, as follows:

Captain *W. T. Betty.*

785. Are you a Captain in the 6th Dragoon Guards?—I am.

786. And were so in the month of December last?—Yes.

787. Do you remember leaving Clonmel on the 28th December last; the morning of the 28th?—Yes.

788. What time in the morning did you leave?—About six o'clock.

789. Had you any resident magistrate in your company?—Mr. Warburton accompanied us.

790. How many police were there with you?—As well as I recollect there were 25 police at first.

791. Now, will you tell the Committee, if you please, what your own force consisted of?—The force of my own regiment consisted of 40 men.

792. Besides Mr. Maclaine and yourself?—Not including Mr. Maclaine and myself.

793. Two were sergeants, I believe, and the rest privates?—Two were sergeants; one sergeant major, and the rest were privates.

794. What number of cars were there which were left in your charge?—Seventy-five.

795. That includes vehicles of all sorts?—Yes.

796. Do you remember arriving at Ballymacarbry?—Yes.

797. About what time?—About half-past nine, I should think.

798. Did you go up to breakfast at Ballymacarbry?—No.

799. Do you recollect the tenants of Lord Stradbroke getting upon cars, and into other vehicles at Ballymacarbry?—Yes.

800. Do you remember a detachment of cars being sent off by another road?—Yes.

801. How many police accompanied the detachment that went by the other road?—Twelve or 13.

802. That is the police that you had with you?—Yes, that would be about half the police force.

803. But none of the cavalry went with them?—None.

804. They went in the direction of Lackandarra?—They went in the direction of Lackandarra.

805. Was any arrrangement made about where you were to meet that second part that went by the Nire-road?—We were to meet at Berry's Cross.

806. Do you know the distance of Berry's Cross from Ballymacarbry?—About six miles, I believe.

807. How many cars were there under your escort from Ballymacarbry to Berry's Cross?—Forty-seven.

808. Forty-seven vehicles of all sorts?—Yes.

809. At what time did you get to Berry's Cross?—Before one; about a quarter before one.

810. Had you seen any people along the road who did not belong to the escort, at the ditches at the sides of the road?—We saw one or two men riding; we saw a man on a bay horse; we met him a mile or two miles before we got to Berry's Cross.

811. Were there any people in the fields or in the ditches?—I did not observe any.

812. Do you recollect arriving at Berry's Cross?—Yes.

813. Did you meet there a troop of the 12th Lancers?—Yes.

814. I believe they were under the charge of Captain Orred?—Yes.

815. Had they come from Dungarvan?—They had come from Dungarvan.

816. Were they under the control of a stipendiary magistrate?—Yes.

817. What was his name?—Captain Coote.

818. Had it been arranged that you were to return to Clonmel from Berry's Cross with your men?—Yes.

819. By the *Committee.*] Had you received any order to go on to Dungarvan, if it were necessary for the protection of voters?—No, none at all. My orders were to give the voters up to the escort of the 12th Lancers, and return to Clonmel that night.

820. Were you delayed at Berry's Cross?—I was delayed at Berry's Cross more than half an hour.

821. What

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821. What delayed you there?—The waiting for the 28 cars that had been separated at Ballymacarbry.

822. Whilst you were waiting at Berry's Cross, did anything occur?—A mob collected.

823. What at first did you suppose to be the number of these people?—I should say about 40 or 50.

824. Did it subsequently increase?—It subsequently increased.

825. And can you estimate as a military man what was the greatest number there at any time during that day?—I should think between 200 and 300.

826. By the *Committee.*] Does that include women and children?—There were some women I saw afterwards.

827. But does your estimate comprehend women and children?—I could scarcely tell the number exactly, but without including women and children, I should think there were about between 200 and 300; after some time that was.

828. Mr. *Harris.*] Was there shouting from that mob?—They were shouting for Mr. De La Poer or "Power," as they called him.

829. Did you hear anything else?—"Down with the Tories."

830. At that time had the Lancers arrived; had they arrived before you, or did they arrive immediately afterwards?—They met us almost immediately.

831. And at that time how were they disposed; were they in front of the cars?—They were in front of the cars.

832. That is nearer to Dungarvan?—Yes.

833. And you were nearer to Clonmel?—We were nearer to Clonmel; we were in the rear.

834. Did you hear Mr. Warburton say anything to the mob which was assembled at Berry's Cross?—Yes, I heard him expostulating with them, telling them to go about their business, and to disperse, in fact.

835. Did you hear them make any reply to that address?—Yes; they said they would not; that they did not care about their lives; that they had only one life to lose, and that they might do anything they liked.

836. When Mr. Warburton was speaking, did you see any stones thrown?—No, not just at first.

837. I cannot ask you what the report was, but in consequence of some information which was received, did the Lancers leave that place?—Yes.

838. In what direction, then, did they go?—They went by a cross road to the left.

839. Towards Lackandarra?—Towards Lackandarra.

840. Did Captain Orred go with them in command?—Captain Orred went with them in command.

841. Did you see anything occur to that troop of Lancers as they went down the cross road?—Yes, I saw them being pelted with stones.

842. From where?—From the enclosed field on the left of the road; on the left of where we were; that would be on the right as they were going down.

843. Immediately after that, did anything further occur, as far as the mob were concerned?—Very shortly after that the mob began pelting the voters and the escort.

844. From what place did the pelting originally commence?—From the field on the left of where we were then.

845. And where the Carabiniers were?—Where the Carabiniers were; the same field that they pelted the 12th Lancers from as they went down.

846. How was that field separated from the road in which your troops were?—It was separated from the road by a wall.

847. What was the height of that wall?—About four feet, I should think, with turf on the top.

848. Was it a stone wall?—It was a consolidated stone wall.

849. You had no infantry there?—We had no infantry.

850. Were the Carabiniers able to get into the field from which the stones were thrown?—No, I should say not.

851. Did you and Mr. Warburton ride up and down seeking for an entrance to the field?—Yes.

852. You could not find any?—No.

853. Was the stone throwing constant?—Yes.

854. Did you see what the men who were on the cars—the voters—did upon receiving those stones?—Some of them got off the cars.

855. What then occurred?—Then Mr. Warburton read the Riot Act.

856. And then?—He got the police off the cars and ordered them to load.

857. Did they load?—They loaded.

858. Did you hear the people say anything upon their loading?—They said that they might fire; that they did not care about being shot.

859. Did the stones continue after that?—Yes.

860. Of your own regiment, were there any persons injured by the stones?—Yes, two or three.

861. You know Corporal Brimfield?—Yes.

862. Did he receive a blow?—Yes.

Mr. *Waters* stated that the Committee had already decided that this question need not be gone into.

The *Chairman* stated that the learned Counsel might ask if an individual was injured.

863. Mr. *Harris* (to the *Witness*).] Did you see any other person injured?—Yes, two other men were injured.

864. Was there any helmet broken?—Corporal Brimfield's helmet was broken.

865. Did you see any sword broken?—I did not see it broken, but I saw the sword after it was broken.

866. Did the voters then leave that place?—Yes.

867. After the voters had left the place, do you recollect a police officer who had been detached from you at Ballymacarbry coming up?—Yes.

868. Did he make any report to you?—Yes.

869. Did you in consequence of that report detach Cornet Maclaine with a part of your regiment, or did you go yourself?—I went myself with Mr. Warburton.

870. Did you go down in the direction that the troop of the 12th Lancers previously had gone?—Yes.

871. Did you find any obstruction upon the road?—We found an iron gate across the road.

872. Did you get that removed?—No.

873. Were you able to pass it?—Yes, we passed it.

874. And did you then meet a troop of the 12th Lancers?—Yes.

875. They were on their return?—Yes, on their return.

876. By

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876. By the *Committee*]. Do you recollect whether the troop of the 12th Lancers on their return from Lackandarra were accompanied by any stipendiary magistrate?—Yes, I think so, Captain Coote, the same stipendiary magistrate who had come with them.

877. The same who had come with them from Dungarvan?—Yes.

878. Mr. *Harris.*] Do you remember Cornet Maclaine endeavouring to get a car for Brimfield?—Yes.

879. Did he succeed in getting a car?—Yes.

880. Was Brimfield in a proper state to ride to Clonmel?—No, his head was bleeding, and he was weak.

881. Did you see a Roman Catholic clergyman looking out of the window of the house at that time?—No, I did not see him myself.

882. Did you see any of the cars broken?—Yes.

883. About how many did you see broken?—I could not tell exactly. I heard, of course, afterwards that there were a good many broken, but I saw three or four broken myself.

884. Were the stones that were thrown large?—Yes.

885. And you were unable to keep the voters together; they ran away?—Yes.

886. You returned in the evening to Clonmel?—Yes.

887. After it was all over?—Yes.

888. Were you injured or endangered at the gate?—Yes; I got a blow from a stone on the right arm.

889. Did it hurt you?—A little at the time; it did not break any bones.

890. I asked you about the iron gate; were you in any danger at the iron gate of falling over it?—The gate was along the road; it did not extend across the road; there was room to file between the gate and the other side of the road.

Cross-examined by Mr. *Waters.*

891. Then, in point of fact, the gate is entirely a mare's nest?—The gate exists there.

892. But it is entirely a mare's nest, it did not injure anybody?—It might if I had ridden at it.

893. By the *Committee.*] Do you know whether the gate was across the road when the 12th Lancers went down to Lackandarra?—I think not.

894. Mr. *Waters.*] What sized gate was it?—An ordinary iron gate, five-barred, I suppose.

895. Was it lying on the road?—Yes; it had been displaced from where it had been before, and it was lying flat.

896. Had you ever been in Ireland before this?—Yes, very often.

897. Did you ever see a gate in Ireland before off its hinges?—Yes.

898. That is very nearly the normal condition of gates in Ireland, is it not?—Yes, I think it is.

899. The piers of the gate were close by, were not they?—The piers were by the side of the gate, but the gate was in the road.

900. Then it was very wrong of the gate not to have been hung to the pillars?—Very wrong indeed.

901. Then I think we may leave the gate there?—Very well.

902. You have told the honourable Chairman that you had no orders to go to Dungarvan; your orders were to go back to Clonmel?—My orders were to go back to Clonmel.

903. But I do not understand that if necessity occurred for you to go to Dungarvan, you might not have done it?—My orders from Colonel Somerset were to escort the voters to meet the 12th Lancers, and return with them the same evening, as Clonmel was not to be left without troops.

904. You said at first there were only 40 or 50 people congregated together?—Only 40 or 50.

905. But do I apprehend you rightly, that when you first reached Berry's Cross there were no people there at all?—No people there at all.

906. But you remained at Berry's Cross for nearly half an hour?—Half an hour, or upwards.

907. Waiting for the other cars?—Yes, waiting for the other cars.

908. When you said that 200 or 300 men were in the mob, do you mean to say that all the 200 or 300 were engaged in stone throwing, or that some of them were not lookers-on?—I should say most of them were throwing stones.

909. But some were looking on?—Some were looking on.

910. And shouted "For Poer. Down with the Tories"?—Yes.

911. Did Lord Stradbroke's men on the cars shout for Captain Talbot?—No, I think they were very quiet.

912. None of them shouted for the man for whom they were going to vote?—I did not hear it particularly.

913. Did you hear any expressions from the voters on the cars then?—No, I cannot recollect that I did.

914. You rode in the advanced guard of the procession?—I was about half way; I was nearly in advance.

915. The police were in the front?—Yes.

916. Some of your men were in the front, and some in the rear?—Yes.

917. You kept that position from Ballymacarbry to Berry's Cross?—Yes.

918. It was very hard for any voter to run away along the road there, between Ballymacarbry and Berry's Cross?—Yes.

919. When you said that Mr. Warburton expostulated with the mob, it was before anything occurred at all?—Yes.

920. He asked them to disperse?—Yes, and they refused.

921. They wanted to stay looking at the soldiers?—They wanted to stay to look at the soldiers.

922. And then stone-throwing commenced, at some distance away from the voters and the escort?—How do you mean?

923. Do I understand you to say that stone throwing commenced against the 12th Lancers?—Yes.

924. They were going down to Lackandarra?—Exactly.

925. They were not with you?—They were not.

926. So that the beginning of this affray occurred with the 12th Lancers, who were going away from Berry's Cross?—Yes.

927. Up to that time the voters with you were unmolested?—Yes.

928. How soon after they commenced to throw stones at the first of the voters, did they all scamper off?—I could not tell.

929. Did

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929. Did you see them running off?—They were running off by degrees.

930. I believe the modern expression is, "skedaddling," an Americanism, I think?—Yes.

931. They did it very quickly?—Yes.

932. And they did not seem at all unwilling to be saved the trouble of going into Dungarvan; I mean the voters?—I cannot answer that question; I do not know.

933. You have already told me you did not hear any expressions from the voters themselves?—No, I did not.

934. Or did you see any signals from the voters to the mob?—I did not observe any.

935. When you were asked about this wall that surrounded the field you said that there were no infantry; but did it escape your recollection that you had the police with you?—No, we had the police.

936. Do you believe that 15 police could easily have dispersed that crowd?—They might have, I think.

937. And they could get over the wall?—They could get over the wall.

938. The police did not go over the wall, did they?—I think they did go over the wall.

939. At any rate, they did not charge the people, nor did you?—No.

940. And the voters disappeared immediately, and the thing was at an end?—The breaking of the cars, I believe, went on.

941. But then the number of the cars you say you saw broken was only three or four?—There were more, I believe.

942. But did not the large majority of the cars remain entirely uninjured?—I think that I said three or four I saw broken, but I know that there were more than that broken altogether.

943. Did you see any of the voters themselves injuring the cars or harness?—No, I did not.

944. Did you hear from any of your men that they saw such a thing occur?—No, I did not.

945. Will you tell me on whose requisition you accompanied these men from Ballymacarbry; who asked for the troops to accompany the voters?—Mr. Warburton from Clonmel; he was the magistrate under whose orders we were.

946. In which direction did the main body of the voters go away; did they scatter in every direction?—They scattered in every direction, chiefly back, not towards Dungarvan.

947. Did they go in towards the fields on each side of the road?—I think some did.

948. They were not afraid to face the mob?—I do not think they liked facing the mob.

949. Did they actually go into the fields where the mob were?—I did not see that.

950. You say they took to the field?—But I did not see them go into the principal field where the mob threw stones from.

951. Were they pursued by the mob after they got off the cars, and went away?—I did not see that; I cannot answer that; I did not observe.

952. You were not molested on the road at all, until you came to Berry's Cross?—No.

953. And I understood you to say, that you only saw one man on a horse along the road?—We saw a man on a horse two miles before we got there.

954. And there is nothing very wonderful in that; you draw no conclusion from that, do you?—Except that I saw the same man afterwards, still riding with the mob.

955. Did he accompany you along the road?—No, we met him; I think he turned back.

956. And you saw him at Berry's Cross?—We saw him at Berry's Cross.

957. Were you a witness of this remarkable incident of two priests riding on the road?—I did not see them.

Mr. *Harris* stated that he did not intend to re-examine this Witness.

958. By the *Committee.*] Did the mob, when they were throwing stones, appear to be under the command of any person or persons?—Yes, I think it appeared to be an organised mob.

959. What leads you to say that it was an organised mob?—Because the first man I saw about two miles from Berry's Cross, I saw afterwards in a field with the mob.

960. And did they seem to obey his orders?—As well as I could judge.

961. Did you see more men who apparently had authority over the mob besides this man?—I saw two or three mounted persons; they were galloping backwards and forwards, evidently galloping backwards and forwards, between the road to the left, where the Lancers were, and where we were.

962. Did you observe them galloping, while the stone throwing was going on in the main road at Berry's Cross?—No.

963. It was only in the neighbourhood therefore of the Lackandarra-road that you observed them?—Only there.

[The Witness withdrew.

Mr. *Harris* stated that Mr. Prendergast, the attorney, whom he had intended to examine next, was ill; but that he would appear on Friday if possible. He stated that he also intended to examine Captain Orred, but that he was to be examined also with reference to the riot at Lackandarra, and he would therefore reserve his examination to a later period of the case.

Mr. RICHARD COONEY was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

Mr. *R. Cooney.*

964. WHERE do you live?—At Kilnamack, in the County of Waterford.

965. Whose estate do you live upon?—Lady Donoughmore's.

966. How many acres of land do you hold?—Fourteen acres.

967. Irish acres?—Yes.

968. Do you recollect the polling day of the last election for the County of Waterford?—Yes.

969. Do you recollect the morning before that, the Friday morning?—Yes.

970. Did you join any cars on the road from Clonmel to Dungarvan, that morning?—Yes, I did.

971. Where did you join the cars?—Most of the cars were at Ballymacarbry, and there were more there belonging to Mr. Roberts.

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972. Where did you join them?—At Ballymacarbry.

973. Did you get on one of the cars?—I got on one of cars in Clonmel.

974. You came on from Clonmel to Ballymacarbry?—Yes.

975. And then you went on from Ballymacarbry towards Berry's Cross?—Yes.

976. When you got to Berry's Cross, will you tell the Committee what happened?—When we got there there was a stoppage by the mob.

977. You were stopped by the mob?—Yes.

978. How did the mob stop you?—They stopped, I suppose, the army and the cars.

979. Was the army on each side of the cars?—It was.

980. Were you amongst the front cars?—I was within the sixth or seventh car, more or less, of being foremost; on a covered car.

981. What part of the army did you first see when you got to Berry's Cross; was it the Lancers or the Carabiniers?—It was not the Lancers I saw at all.

982. They were the army that came with you from Clonmel?—Yes.

983. Then when the cars stopped, they stopped for some time at Berry's Cross, did they not?—Yes, they did.

984. And for some time it was quite quiet?—For a very short time it was.

985. After this short time had elapsed, will you tell the Committee what happened?—A lot of stones; a throwing of stones; they used to drive the stones through the covered car from one side to the other; there were some of us in a covered car, and we had to bend down as well as we could, to let the stones go across; I had the blow of a stone, and I was in shelter; they throwed ten stones, more or less, I could not say; they came down to us then and looked into the car, and there were three of us there, and swore, that before Jasus we should come out; I came out, and leaving my feet down in the road, and a man hit me a blow here in the forehead and knocked me spinning into the dyke.

986. Did they say anything to you about who you were going to vote for?—No, they did not.

987. Did you hear anything about Mr. De La Poer?—I did not hear anything about him at all.

988. Did they say anything to threaten you?—They threatened us. I had nothing at all to do. I was unable to say anything when I was stretched in the dyke. After recovering a minute or two, I was up, and then one of them came upon me upon the crown of my head with a wallop of his stick.

989. You were knocked into the ditch?—Yes.

990. How long did you stay in the ditch?—I do not know whether it was a minute or two. I scrambled up then, and made my ground as well as I could.

991. Made your ground were to?—I went home.

992. Did anybody go with you?—I came along a bit about half a quarter of a mile. I got a car that was turned back, and I got upon the car, and went back to Ballymacarbry. I did not stop in any way; I was full up with blood.

993. What car was that?—I could not say what car it was.

994. It was not one of the cars that was with you in the morning?—I am sure it was.

995. Did you stay there till all the cars were gone?—No, I did not.

996. You made a sharp retreat?—There was a great tail after me there.

997. Did you see many stones thrown?—I did not, because I was within in the covered car, and when I looked out first I saw a few of them throwing.

998. You were in a covered car?—Yes.

999. You looked out of the covered car?—Yes, and I saw the stones throwing very quick, and I kept in my head. I did not look at all till I was obliged to walk out of it.

1000. Were you taken out of the car?—I came out myself; the minute I put my foot on the ground, I was struck down on the ground with a stick; you will see the hat there that I had, which was cut through with a stone. (*The hat was produced.*)

1001. Did you see Mr. Coates there?—I did not.

1002. You were then taken out of the car?—When I was coming up, rising out of the dyke, and I was coming away, I heard a man up the other side of the road in the field saying, that if he had got Mr. Coates he would kill him.

1003. Where was that man standing?—The other side of the road in the field.

1004. Was he in the mob?—I am not sure whether he was in the mob or not; he was too far from me.

1005. But was he standing in the direction where the mob was?—He was.

1006. What were you going into Dungarvan for?—To vote for Captain Talbot.

1007. Did you vote?—No.

1008. Why did you not vote?—Be Gorra, if I was left into Dungarvan I should; but I was not.

1009. Did these occurrences that you have spoken to on their part, prevent you from going to vote?—

Mr. *Waters* objected to this question.

—*Witness.*] They did, and I was glad to run home.

1010. Mr. *Stevens.*] What was it that prevented you from going to Dungarvan?—How could I go there when I was knocked dead with a stone; sure it was the man that struck me with the stone prevented me; I was glad to make my retreat, I am sure, before I would be killed.

Cross-examined by Mr. *Waters.*

1011. In whose custody were you on that day; you were not in Mr. Coates' custody?—With Mr. Adams, an agent.

1012. Of Lord Donoughmore's?—Yes.

1013. By the *Committee.*] Was Mr. Adams, Lord Donoughmore's agent, with you at Berry's Cross?—No.

1014. When did you see him last that morning?—I did not see him at all that morning.

1015. When did you see him last?—I did not see him, I think, for the fortnight before; but he sent his man for me to tell me to go to Cantwell's Hotel, and to sleep there that night, and there would be a car for me.

1016. Have you a lease?—No.

1017. Are you a Protestant?—No.

1018. What part of the county of Waterford do you live in?—A place called Kilnamack; a place within, I should think, two and a half or three and a half miles of Clonmel.

1019. What message did the driver or bailiff bring

bring you?—He told me to wait in the house till he would come in the evening of the next day for me, and he would be with another man, my uncle, and take us to Cantwell's Hotel, and leave us there till the morning.

1020. Did you not tell him that you would rather vote for Mr. De la Poer's son?—No, I did not.

1021. You would be afraid?—What for would I be afraid?

1022. You would sooner vote for Captain Talbot?—I would.

1023. Did Captain Talbot call upon you himself?—He did not.

1024. What are your politics, may I ask: are you a Liberal or a Tory?—I am a Liberal.

1025. What is the bailiff's name?—Keive.

1026. Is he a Liberal or a Tory?—I do not know what is he.

1027. You were very sorry that you could not go into Dungarvan to vote?—If I was left into there I would sooner go there.

1028. How many miles is Berry's Cross from Dungarvan?—Begad, I cannot tell.

1029. Did you ever walk it?—Yes.

1030. How long did it take you to walk it?—I cannot say.

1031. How long had you to walk from Berry's Cross before you met the car that carried you to Ballymacarbry?—About half a quarter of a mile.

1032. Were you followed from Berry's Cross?—No, but they were telling everyone to go home, and that if they did not turn round and go home they would be into them.

1033. Who were the men that were with you?—James Carnay and John Butler.

1034. Whose tenants were they?—One of them was a tenant of Lady Donoughmore's; he is my uncle, and the other is a tenant to one of the Greens.

1035. Were there any of Lord Stradbroke's tenants with you in the cars?—No, there were not.

1036. Were you in talk with any of them that morning?—No.

1037. After you were knocked down you say you scrambled over the ditch?—After I had been struck down with the stone I was rising and I was struck down with a wattle.

1038. And then you got over the ditch?—Yes, and then there was as much of the mob on the other side of the ditch as there was where I had been.

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1039. And then you walked away quietly?—Yes.

1040. Why did you not walk along towards Dungarvan?—I would not be sure of my life.

1041. Why did you not go into a house and take shelter there?—Why should I take shelter there?

1042. Would you not sooner go home than go to Dungarvan?—I would sooner go to Dungarvan.

1043. Did anybody ask you to vote for Mr. De La Poer at that election?—Nobody.

1044. Did your wife?—She did not.

1045. She is a good Tory?—I do not know what is she.

1046. Had you any talk with any of the other men coming in on the cars?—No, not a word; there was not anyone with us but the three of us.

1047. And you did not talk with any of Mr. Coates' tenants at all?—No.

1048. Did you see them doing anything?—I did not.

1049. Did you see them making any signs to the boys that were inside in the field?—No, because I could not see anything when I was inside in the car; I keeped my head inside for the danger of having it took off from me entirely with a stone.

1050. What became of the other three?—I no sooner took my feet from the car than I ran away; I did not know what became of them.

1051. Did you see any other voters running away also?—I did.

1052. And did you see where they went?—They turned home again.

1053. None of them ran towards Dungarvan?—No, they all ran home.

1054. Any way except to the polling-place?—Yes.

1055. How far is it from Berry's Cross to Ballymacarbry?—About five or six miles, more or less; I could not go nearer than that.

Mr. *Bourke* stated that he did not propose to re-examine the witness.

[The Witness withdrew.

Mr. Morris Crotty was called in; and having been sworn, was Examined by Mr. *Stevens*, as follows:

1056. Where do you live?—At Castlereagh.

1057. Where is that?—On Lord Stradbroke's property.

1058. In the county of Waterford?—Yes.

1059. You are a voter in the county of Waterford?—I am.

1060. Do you remember the last election?—I do.

1061. Were you going to vote?—I was.

1062. Were you with the party that left Ballymacarbry?—I was.

1063. How were you going to vote; how were you travelling?—We were coming all along to Berry's Cross in cars.

1064. Were you walking or driving?—I was in a car.

1065. Was there anybody else with you?—There were two.

1066. You came to Berry's Cross?—I came very near it.

Mr. *M. Crotty.*

1067. Did anything happen to you on your way?—When we were returning home after the stones I got the strike of a stone here. (*Pointing to his head.*)

1068. But tell us what happened at Berry's Cross?—Sure they were striking stones at all the voters.

1069. Who were?—The mob.

1070. Were the voters doing anything?—Sure they could not do it when they were attacked by those with stones; they were in dread of them.

1071. They were standing on the cars?—Yes.

1072. Were there many stones?—Yes; sure I could not count them.

1073. So many that you could not count them?

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them?—I could not count them, there were so many of them thrown.

1074. Did you see anybody hit with the stones?—I did not see anyone hit but myself.

1075. You were hit?—Yes.

1076. Where were you hit?—Hereabouts in the face.

1077. What did you do when you were hit?—I turned home along with the rest of the voters and the cars.

1078. When you were in the car, what were you going to do; what did you leave home that morning to do?—I was going to vote for Lord Stradbroke—for Captain Talbot.

1079. Did you vote for Captain Talbot?—I did not.

1080. Why did you not vote for Captain Talbot?—When I got the strike of the stone we turned home; we were in dread that we would not be let to go to vote.

1081. I suppose that you in your time have seen a good many crowds and mobs?—Sometimes I does.

1082. Would you call this a quiet mob?—I cannot say that I could say that; I never saw the like.

1083. In what respect?—For stone throwing.

Cross-examined by Mr. *Waters.*

1084. We are unused to stones and sticks in Ireland, are we not; tell me, were you ever at a fair; how old are you?—I am something over 60 years.

1085. Were you ever at a fair, now, when you were a young fellow of 25 or 30?—I was.

1086. I will engage you did not go very often without a stick?—Indeed, I did not.

1087. I daresay you were a good hand with it?—Indeed, then, myself never struck a man at a fair, nor was ever struck with a stick.

1088. Who was Lord Stradbroke that you were going to vote for; is it not the truth that it was for Lord Stradbroke that you were going to vote?—Sure, I being a tenant of his.

1089. It was because he asked you that you were going to vote?—He did not ax me indeed.

1090. Did anybody ax you for him?—The agents did. There was a man sent by the agent who axed me.

1091. Who was the man sent by the agent to ask you?—A man of the name of Fenton.

1092. Is he a driver on the estate, or a bailiff?—No, he has a spot of ground.

1093. Is he a tenant or a bailiff?—He is a tenant.

1094. Is he a rent warner?—No, he is not.

1095. Did he come to ask you, or to tell you to vote?—He told me to be ready on such a day that they were going to poll.

1096. There was one asking about it, I believe?—Yes, to be ready at such a day to vote at the election.

1097. Have you a lease on Lord Stradbroke's property?—I have not.

1098. If you voted for Mr. De La Poer, what would happen to you?—Sure, I would not vote for Mr. Poer.

1099. What is the reason?—I vote for my landlord.

1100. If you had no landlord who would you vote for?—I do not know that.

1101. Tell me on your oath?—I would not vote for anybody then.

1102. Did you hear anything about a letter from Lord Stradbroke to the tenants?—I did not.

1103. Nothing at all?—Nothing.

1104. Who came for you the morning you got on the car?—Nobody came for me; but I got the word a few days before to be ready that morning.

1105. And where were you to go that night?—We were to go to Dungarvan.

1106. Where did you meet them that morning?—Who?

1106.* The cars?—We met them at Ballymacarbry.

1107. How far do you live from Ballymacarbry?—A mile and a quarter, or a mile and a half.

1108. At what time did you go in there that morning; were you in there any time before the cars arrived?—Some of them were there before and some of them after.

1109. Did you then join any of the other tenants in Ballymacarbry before the cars arrived?—There were some of them with me going.

1110. You had some talk on the road going in?—Sure we had some talk.

1111. About the election?—Yes.

1112. And you were all very anxious that Captain Talbot should succeed?—I do not know which.

1113. These gentlemen are very uneasy about the talk you had with the others; will you tell us what talk you had about the election?—I do not know what talk I had now.

1114. Do you say now you do not recollect any conversation with any of the voters that morning, or that day about the election?—I do; I do not recollect it at all.

1115. Did you hear anything said by them about their being anxious not to go into Dungarvan?—I do not know whether I did or not.

Mr. *Harris* submitted that these questions were altogether irrelevant.

Mr. *Waters* submitted that, on cross-examination, he had a right to ask these questions.

The *Chairman* stated that these questions were admissible.

1116. Mr. *Waters* (to the *Witness*).] Do you recollect any conversation at any time that day before you got to Berry's-cross, between you and the other voters?—I do not recollect it.

1117. Do you recollect any talk at all, or any of the voters saying that they would be glad if they were stopped and prevented from going to Dungarvan?—I do not recollect.

1118. Did you ever remember it?—I never did.

1119. Did you hear any talk about that amongst the voters?—I do not recollect any talk.

1120. Do you recollect any talk that occurred?—I do not, about that.

1121. Do you recollect any man's name who you were talking with that morning?—I do not recollect them now.

1122. Did you hear any of them saying that they would sooner stay at home; answer that question?—I do not know whether I did or not.

1123. Might they have said that to you; do you think they did say it to you?—I do not know whether they did or not.

1124. Have you no recollection at all of having any talk with any of them?—I have not.

1125. Who lives next to you?—There are three or four of them.

1126. Give

1126. Give me their names?—John Crotty.

1127. What relation is he to you?—He is a relation.

1128. Who else?—There is another John Crotty.

1129. Did you go in with any of these men?—John Crotty and John Whelan was with me.

1130. And you went into Ballymacarbry together?—Yes.

1131. Was it in an outside car that came along the road from Ballymacarbry?—Yes, a covered car.

1132. And who was with you?—A man named Whelan, and a man named Dennis Moore.

1133. Was it a side car?—There were seats within it, and a rail to it, and seats in the centre of it.

1134. Was it covered?—There was no cover.

1135. Had you any talk along the road; how many of you were there altogether in it?—Three entirely.

1136. Had you any talk along the road?—I do not recollect now.

1137. When you came to Berry's Cross, did you jump out of the car?—I did not.

1138. Did you stay there?—I did.

1139. To the end?—Yes, to the end.

1140. Till all was over?—Yes.

1141. How long did you stay there after the mob went away?—They made us scatter before they scattered themselves.

1142. I thought you said you stayed there till the mob were gone away?—I did not.

1143. Who did you go home with?—With the people that were with me in the car, and two of the drivers.

1144. The four of you went home in the same car?—Yes.

1145. Did you go from Berry's Cross before the stone throwing was over, or was the stone throwing stopped?—It was the stone throwing made us go home.

1146. Was the stone throwing stopped before you left Berry's Cross?—No.

1147. On the way back did you have any talk with the men in the car?—I did not.

1148. Do you recollect, on your oath, that these men, any of them, said they were very glad they were not going back to Dungarvan?—I do not.

1149. You are on your oath; do you recollect any of the voters coming back and saying that they were very glad that they did not go on to Dungarvan?—I have no recollection of it now.

1150. But do you mean to say that you have no recollection of it now?—I do not recollect it at all.

1151. Have you had any talk since?—We have had some talk since, I dare say.

1152. Have you had no talk about the election?—No.

1153. Who did you first tell the story to that you have told here to-day; was it to Mr. Coates?—What story?

1154. About the affair of Ballymacarbry?—Sure I did not tell Mr. Coates.

1155. Did you tell no one what you told here to-day before this day?—Sure I did; I told a good many after the day of the row.

1156. To whom did you tell it?—Bygad, I do not remember now.

1157. You have no recollection; did you say a moment ago that you had no recollection of having talked with any of the neighbours about the row?—I have no recollection of anything that was said about it.

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1158. Did you answer me this minute that you talked with many people about it; which is the truth, now?—I do not know.

1159. Did you hear that any of Lord Stradbroke's tenants and servants were in that mob?—I do not understand you.

1160. Did you hear that the servants and boys of any of the voters were in the crowd?—There came some of this party down the road with the escort, inside the ditches, taking a view of them, and running down the road.

1161. Do you know whose servant and boys they were?—I do not; some of the neighbouring boys.

1162. Did he go as far as Beary's Cross?—He did.

1163. Did he go up to Beary's Cross?—Not far from it.

1164. Were you not at Beary's Cross?—I was in the field.

1165. With the rest of them?—There were no no more than three or four of them there.

1166. Was your son there?—He was one of them.

1167. Was it the field from which they threw stones at the Lancers; do you know the field surrounded by the wall?—Yes.

1168. Was it there you saw him?—The mob was in part of it.

1169. Was he in the same field?—I think so; they were going away from the mob.

1170. How many miles is that from your house?—Two or three.

1171. Irish miles?—I believe about three miles.

1172. Are you or Richard Cooney the better surveyor, because he says it is five or six miles?—He does not live along with me; he is about a mile and a half.

1173. What is your son's name?—John.

1174. He came along the three or four miles?—Yes.

1175. Do you mean to say it is not four miles from your house to Beary's Cross?—I am no surveyor.

1176. Is it not four miles?—I do not know; I could not tell you that.

1177. It would take an hour to walk it?—I do not think it would be four Irish miles.

1178. Very near it?—Some of my ground is about half of that distance.

1179. Do you know Nugent?—I do.

1180. What is his name?—There is Ned Nugent I know; at Ballymacarbry he lives.

1181. That is not the man I want at all; you know the man I want, do you not know him?—What is his name?——

1182. Nugent, of Tureen?—There are a good many Nugent's, of Tureen.

1183. Do you know any man who is a voter, named Nugent, of Tureen?—They have votes, but they did not come to the election.

1184. What is his name?—Patrick Nugent.

1185. Was he there that day?—No.

1186. He has a lease?—The old man has it.

1187. Have you a lease?—No.

1188. Did you see Patrick Nugent's son among them?—I believe I did.

1189. Where did you see him?—I saw him in the road, going home.

1190. After it was all over?—Yes.

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1191. You did not see him throwing stones?—I did not.

1192. You would have shut your eyes, if you had seen that?—I was going in a car, home.

1193. Was he in the field along with the crowd?—I do not think he was.

1194. He is not a voter?—No.

1195. And he was there by accident on purpose, that morning?—He was going to Dungarvan that morning; he had the name of his father.

1196. Was he going to vote in his father's name?—I do not know.

1197. Did you see him amongst the crowd?—No; I saw him on the road, in the car, along with the voters.

1198. Did you see a man on a horse there; perhaps he was another son of yours?—There was no horseman but him there.

1199. Did you see a man on a horse?—I saw a man on a riding-horse, but I do not know who he was.

1200. Did you see a man in the field on a horse?—I saw a man on the road.

1201. Did you see a man in the field on a horse?—No.

1202. Did you see more than one man on horseback?—No.

1203. Did you see three or four in the field?—No, I did not see any horses in the field at all. I did not see any man on a horse, but I saw a man passing the road inside the car, and he was riding hard; I do not know who he was.

1204. You are quite sure of that?—Yes.

1205. Do you know the names of the tenants?—Some of them.

1206. Were any of their sons there that day?—In the row?

1207. Yes?—I could not tell you that either; it is little of the sons I know at all.

1208. Do you know any of the servant boys?—I do not know any of the young fellows at all.

1209. Have you more than one son yourself?—I have little boys.

1210. Now, try your recollection; had you no talk with any of them going home that day?—I do not know what talk there was about going home.

1211. Tell me, as an honest man, were the voters free to go home?—I do not know. I know some of them were more delighted to go ahead that day than to turn.

1212. You were one of them?—I was well pleased.

1213. Are you a Tory, or a Liberal, because your neighbours will want to know; are you a Tory, or a Liberal?—Rather a Liberal.

1214. Are you a Protestant or a Roman Catholic?—A Roman Catholic.

1215. And you were sorry you were not able to go to vote for Captain Talbot?—I was willing to go that morning.

1216. Is he a Liberal?—I do not know.

1217. Will you swear you did not know that morning what he was?—I believed he was a Tory.

1218. And all his people: do you know John Power?—I never saw him.

1219. Did you hear of him?—I did.

1220. Did you know he was located in the country?—I heard it.

1221. Do you know that all the people were in favour of his son for this election?—A deal of them were in favour of him.

1222. Did the man that came to you, from Mr. Coates, say anything about a letter from Lord Stradbroke?—I do not recollect that he did.

1223. Did he tell you what his Lordship's orders were?—I do not recollect that he did.

Re-examined by Mr. *Stephens.*

1224. The Dragoons going along the road made a very fine sight?—Yes.

1225. Did you say that the people came to look at them?—At what?

1226. At the soldiers?—I did.

1227. Who were those people that came to look at the soldiers?—I do not know; some of the neighbouring boys.

1228. Was that what brought your son there; the question is, did your son throw a stone that day?—I do not think he did.

1229. Was he among those who did; your own son?—They kept out of them; they returned home along with the voters.

1230. Those people who turned home were not in the mob?—No, they were not.

1231. Were there two sets of people, the mob and the other people?—There were the mob on one side.

1232. Where was your son?—He was inside the ditch in the middle of the field when I saw the mob, and there were two or three more boys with him, who were turning home from the mob.

1233. Let us have that clearly, because I do not exactly understand it. Was this your answer: your son, and two or three more who were with him, were afraid of the mob?—They were.

1234. And were slipping away from the mob; is that so?—Yes, they were slipping away from the the mob.

1235. Were they with the mob?—No, they did not join the mob at all, they were slipping away home from them.

[The Witness was ordered to withdraw.

JAMES FENTON was called in; and, having been sworn, was Examined by Mr. *Harris*, as follows:

J. Fenton.

1236. WHERE do you live?—Newtown.

1237. What county is that?—Waterford.

1238. Are you a tenant of Lord Stradbroke?—I am.

1239. Are you an elector for the county of Waterford?—I am.

1240. Did you accompany the rest of Lord Stradbroke's tenants, on the morning of the 28th, from Ballymacabry?—I did.

1241. What sort of vehicle were you in?—A highish car, lengthy, with seats.

1242. A long car?—Yes, a good many people could sit upon it.

1243. A vehicle with four wheels?—Yes.

1244. How many horses was it drawn by?—Three.

1245. Who was in your company?—Different people; there were two Ormonds.

1246. And

1246. And Cronin?—Yes.

1247. Do you recollect arriving at Beary's Cross?—I do.

1248. Up to that time the Dragoon Guards had been with you?—Yes.

1249. When you were first at Beary's Cross had you any delay there?—Yes, a little.

1250. When first you were at Beary's Cross, were there many people there?—Not many at first.

1251. Did they afterwards increase?—Yes.

1252. Do you remember the Lancers meeting you, and going down a side road?—I do.

1253. Do you know that part of the country very well?—Yes.

1254. Do you know the Lackindara-road?—Yes.

1255. Was it by that road that the Lancers went down?—Yes.

1256. After they left the neighbourhood of Beary's Cross, do you recollect what occurred?—The mob was then collecting, and there were stones thrown, and, after some delay, they threw the stones very frequently; the cars that we were in had to turn back and make the best of their escape from the mob.

1257. In the car that you were, while you were in it, were you struck yourself?—I was.

1258. By more than one stone?—Yes.

1259. How many?—I could not tell you exactly, but when I got struck by a stone, and I got one in the jaw, and one in the side, I put myself under the seat; they were very strong seats; it was a heavy car. I put my head under in order to keep myself from the stones. Cronin and I put our heads, in this way, under the seat. (*The Witness described to the Committee.*) I could not say how many stones were thrown.

1260. Were the stones that struck you, large?—Yes, they were large.

1261. Can you tell us about what size they were?—I should think none of them were less than a man's fist, but I could not see them.

1262. Did the car man who was driving you, turn the horses' heads?—He did, backwards.

1263. He backed the car?—Yes.

1264. In what direction did he drive?—He drove in the direction back; he turned his horses towards Clonmel with the car.

1265. Did you continue in the car?—I continued in the car all through; Cronin and I were the only two who stopped in it; the mob closed in and we considered we could protect ourselves better that way.

1266. You thought you were safer in the car?—Yes.

1267. And you remained in the car?—We remained in the car.

1268. Did you get out at all?—No.

1269. Did you leave Ballymacabry that day with the intention of going to Dungarvan?—I did.

1270. What prevented your going to Dungarvan?—This mob that met us on the way.

1271. Were you going to Dungarvan to vote for anyone?—Yes.

1272. For whom?—For Captain Talbot.

Cross-examined by Mr. *Waters*.

1273. How many acres do you hold?—I cannot say exactly.

1274. How long have you been a tenant on the estate?—I have held land from Lord Stradbroke since the time he purchased it.

1275. You cannot tell how many acres you have?—No.

1276. Have you a lease?—No.

1277. Do you know how many tenants on the estate have leases?—I do not know.

1278. Do you know if any of them have?—Yes.

1279. What is the name of any man that has a lease?—I believe the Reverend Parson Fry has a lease; I was under the impression that he had.

1280. Will you name somebody else?—Nugent, I believe.

1281. What Nugent?—Edmund Nugent.

1282. Anybody else?—I cannot exactly say any more than what I have heard, I cannot say that I know it.

1283. Has John Mulcarry a lease?—There are different John Mulcarrys.

1284. Has any John Mulcarry a lease; John Mulcarry of Clashan?—Yes; I have only heard that he has.

1285. Anybody else; has Patrick Mulcarry a lease?—I am not sure; I cannot say.

1286. I believe you are a driver and bailiff on the estate?—No.

1287. You are nothing at all in that capacity?—No.

1288. Are you the man that was sent round with orders to the tenants?—No.

1289. Do you go to anybody?—No.

1290. Did you go to Crotty?—I went to nobody at all.

1291. You say there were not many people at first at Beary's Cross; can you tell me about how many?—I could not give a good opinion of it; I should suppose from 60 to 80; perhaps from 30 to 60; I could not make a full answer to that question.

1292. When you got there, where were they?—I first saw some of them in the field.

1293. On which side of the road?—As you go from Clonmel to Dungarvan, on the left hand side.

1294. They were there when you came up?—I should think there were a few there when I came up.

1295. From 30 to 60 were there when you came up?—Yes, I should think so, collecting in view of this.

1296. Were there any people there at all when you came up first?—There were a few.

1297. Can you tell me about how many?—I should think from 30 to 40, or something of that sort.

1298. Should you say about 30?—Yes.

1299. In the field on the left hand side, when you arrived at Beary's Cross?—Yes, I saw some people in that field.

1300. Were they throwing stones then?—No.

1301. Did they begin at once to throw at you?—No, not for some time.

1302. Did they throw stones at you after a little time?—We had to turn back; I did not get a stone at that time; there were many stones thrown before I got one.

1303. About how many persons were in the car along with you?—I could not say.

1304. Were there five or six?—There were.

1305. Were there eight or ten?—I could not say.

1306. Fourteen?

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1306. Fourteen?—I should think not; there were five at all events, or six.

1307. And they all ran away when the driver begun to turn the car?—Yes, they got off when the stones were being thrown as quickly as they could.

1308. And ran away?—Yes, of course; they made the best of their way off.

1309. You and Cronin were the only two who remained in the car?—Yes, all day.

1310. Did you pick up the others afterwards; how many went back to Ballymacabry in the car?—Everyone who was in the car went back; they made their way back towards Ballymacabry.

1311. How many returned in the car; were there any more than you and Cronin?—A part of the way there was not; others got up in the car.

1312. None of those that came up with you returned with you?—I am not quite sure of that.

1313. As far as you can recollect, I understand you to say that none of them were hurt?—I am not sure of that; I cannot swear that any of the other parties joined us in the same car coming back.

1314. How long have you lived on Lord Stradbroke's property?—Since the time he purchased it.

1315. Did you not live there before that?—Yes.

1316. Have you lived there since your birth?—Yes.

1317. How long has Lord Stradbroke had it?—He purchased it in or about the year 1840; that is my opinion.

1318. How many people were there altogether collected at Beary's Cross, in the end when there were most of them there?—I could not give you the amount.

1319. Should you say 100?—I should think so.

1320. Should you say 200?—I could not say.

1321. Did you see any women and children among them?—I should think there were; there were some boys, not grown up men.

1322. Were there any women?—I think there were women, too.

1323. Did you see them do anything?—I saw stones thrown.

1324. Did you see the women do anything?—I cannot say that I did.

1325. How many of those boys and men that were there did you know?—I knew none of them.

1326. Do you mean to swear that?—I knew one of them.

1327. What was his name?—I forget; I did not at first know him.

1328. What was his name?—One Christopher.

1329. Who is he?—I do not know where he lives; I heard he lived in the neighbourhood.

1330. Is he a farmer's son?—He is a workman; I think so.

1331. Who was he working for then?—I do not know.

1332. Tell me, as a secret; I will not tell Mr. Coates?—On my oath, I could not tell where he was working.

1333. Is that the only man you knew there?—On the ground?

1334. Yes?—At Beary's Cross?

1335. Yes?—To the best of my recollection, I did not know anybody else on the ground.

1336. You do know; now try and recollect?—I cannot recollect that I do.

1337. Did you see any man on horseback there?—I do not recollect.

1338. Were there five men on horseback there; is it true that there were five men on horseback there?—I did not see them.

1339. Could they be there unknown to you?—They might be; I did not see them.

1340. You were there all the time; you stood your ground like a brave soldier to the end; did you not see any man on horseback?—I did not.

1341. Do you not know there was a man on horseback?—On my oath, I do not know.

1342. Do you know Morris Crotty?—I do, well.

1343. Why did you not say so; did you see his son there?—At Beary's Cross?

1344. Did you see Morris Crotty's son there?—On my oath, I did not.

1345. Do you know that he has been examined just before you?—Yes.

1346. If he told me that his son was there, would he be telling me the truth?—I do not know; I did not see his son to my recollection.

1347. And do you mean to swear that you saw no man from the neighbourhood about Ballymacabry, or any of Lord Stradbroke's tenants' sons or servants there?—At Beary's Cross?

1348. Yes?—I do, positively; I did not see them, to my recollection.

1349. You will not go further than that?—No.

1350. They might be there for aught you know?—Yes, but I did not see them.

1351. Do you mean to swear positively you did not go to Beary's Cross with any message?—I do.

1352. Is there any other James Fenton on the property but yourself?—There is.

1353. Where does he live?—In a town called Gradnagowan.

1354. Who is he?—He is Mick Fenton's son.

1355. Is he a driver or a bailiff on the estate?—He is not a bailiff on the estate.

1356. What is he?—He holds a farm.

1357. No more than that?—No more.

1358. What is the name of the driver who drove you?—I could not tell.

1359. Where did he come from?—I cannot tell that either.

1360. How many of Lord Stradbroke's tenants are there in London; I want the names of them?—Edmund Nugent is one.

1361. Morris Crotty?—Yes.

1362. And Cooney?—He is not.

1363. Who else is here?—James Fenton.

1364. That is yourself?—Yes.

1365. Nobody else; is that all?—Edmund Nugent, Morris Crotty, and James Fenton.

1366. By the *Committee.*] Were you hurt?—Yes.

1367. Where were you hurt?—I felt much hurt in the side; I got a stone thrown at me, and I felt myself hurt.

1368. How long did you feel it hurt you?—I felt a little sore for three or four days afterwards.

1369. Whereabouts in the line of cars was your car?—The one I was on?

1370. Yes?—I should think I was more foremost than half way; I should think I was.

[The Witness withdrew.

The *Chairman* said the Committee thought they had enough evidence of this description, and wished the learned Counsel to give them

them evidence of some other portion of the case.

Mr. *Harris* said they proposed now to call Mr. Channer, the sub-inspector of police; they had only one other witness, a tenant of Lord Stradbroke, Mr. Nugent; they were about to call him to prevent any observation being made. *J. Fenton.* 27 March 1867.

The *Chairman* said the learned counsel might do so.

EDMUND NUGENT, was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

E. Nugent.

1371. ARE you a tenant of Lord Stradbroke?—I am.

1372. Have you got a lease of your farm?—I had one, but it has expired.

1373. You had one?—Yes.

1374. Do you recollect Friday morning, the 28th December?—I do.

1375. Did you come with the rest of the voters along the road from Ballymacarbry to Beary's Cross that morning?—I did.

1376. When you got to Beary's Cross, did you see some Lancers in front of you?—Yes.

1377. You know the Lacindara-road?—I do.

1378. Did you see the Lancers going down that road?—I did.

1379. Did you see Mr. Prendergast afterwards?—I did see Mr. Prendergast.

1380. Was he coming up towards Beary's Cross when you saw him?—Yes.

1381. Was he in the field or on the road?—On the road.

1382. When you saw the Lancers go down that road, was there a mob on the side of the Lacindara-road?—There was.

1383. From where you were, could you see the mob do anything?—I could.

1384. What did they do to the Lancers?—They threw stones at them.

1385. Were they violent?—They were violent; they struck the Lancers, and they struck their horses as they passed on.

1386. When you saw Mr. Prendergast, was that after you saw the mob throwing stones at the Lancers?—It was.

1387. Mr. Prendergast was coming towards you?—He was coming up the Lacindara-road; he was lower down some part of the road; he was coming up to where we were, on the Dungarvan-road.

1388. Did you see the mob do anything to Mr. Prendergast?—I saw one fellow in particular jumping out from the fence where the mob was inside; he jumped out on the road, and came up to Mr. Prendergast; I think he took him by the right arm, and walked across with him some distance, and brought him out a good bit, and he then turned back to where he came from, and then there was stones thrown at Mr. Prendergast when that man left him.

1389. The man came out from the mob, and took hold of Mr. Prendergast's arm, and took him some way, then left him, and rejoined the mob?—After bringing Mr. Prendergast some distance, he went up a part of the road, and when he left, there were stones thrown.

1390. By the *Committee.*] There were no stones thrown at Mr. Prendergast as long as this man had hold of him?—No.

1391. Mr. *Bourke.*] Did you see Mr. Fry about the same time?—I saw him; I could not say exactly whether it was before Mr. Prendergast or after, but I saw him on the field.

1392. About the same time within a few minutes?—I could not say exactly whether it was before or after.

1393. Nearly the same time?—Yes.

1394. What did you see any one do to Mr. Fry?—One fellow in particular had him, as well as I could see, by the arm, or he was close up to him, so close that I considered that he had hold of him by the arm; he had a big stick in his hand, and he kept dancing and leaping about; every moment I thought he would have struck at him with the stick; he was leaping backwards and forwards in this way (*describing it*).

1395. Did you hear anything of what any of of this mob said?—I heard what they said first, when they came along our line of cars.

1396. What did they say first?—The mob appeared to me to be cut off by the Lancers; the Lancers were in front of our line of cars at the Dungarvan side; the mob approached there, and the Lancers shut them off the road; they got in over the fence, and came along the inside of the fence along our range of cars, all the time abusing us, and yelling and shouting; they called out, "There's for De la Poer;" some of them called out, "Up with De la Poer;" they were shouting out for him, and wanted us to go back home, and they said if we did not turn we would pay for it.

1397. Can you recollect the words that were used, or the effect of them; they used words to the effect that you would pay for it if you did not go home?—Yes.

1398. What were the words?—I could not exactly give the words that they used.

1399. It was that you would pay for it if you did not go home?—Yes.

1400. After you saw the mob do what you say they did to Mr. Prendergast and then Mr. Fry, they advanced to the front of the cavalcade?—Yes, they advanced to the front from behind this fence.

1401. Now be good enough to state to the Committee what took place then?—They began to pelt stones against the cars and drivers and voters.

1402. You said the mob were on the left of the road as you go to Dungarvan?—Yes.

1403. At the time you were speaking of now, were they at both sides?—Not at first; they pelted the stones from the Lacindara side first, and soon after they crossed the road and pelted the stones from both sides.

1404. By the *Committee.*] Where were the Lancers when they were throwing stones from both sides of the road?—We had not the Lancers at all then; they had gone down the Lacindara-road.

1405. Mr. *Bourke.*] Can you judge of the number of people that were there at the end of the row; can you tell me about how many?—I believe there were 300 or 400.

1406. Before that there were not so many?—I did not consider at the beginning there

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more than 50 or 60; I did not think it a large mob at all at the beginning.

1407. Were you obliged to fly with the rest of the voters?——

1408. By the *Committee.*] Does your estimate of 300 or 400 include women and children, or only men?—It includes all.

1409. Women and children?—If I include children there would be perhaps 500.

1410. Did you observe any women in the crowd?—I did not observe any women but there might have been.

1411. Mr. *Bourke.*] Were you obliged to fly with the rest of the voters?—Yes.

1412. For whom were you going to vote?—Captain Talbot.

1413. You did not?—No.

1414. Why not?—Because I could not go; the mob would not allow me to go further.

1415. Were you struck yourself?—I was not.

Cross-examined by Mr. *Waters.*

1416. You did not try to go on?—How could I.

1417. Cannot you answer my question; did you try to go on?—I did.

1418. After you were stopped there did you try to go on?—I did not.

1419. Then the answer is "No"; who gave you your orders how you were to vote; was it Mr. Coates or the bailiff?——

Mr. *Bourke* objected to the question.

The *Chairman* suggested that the question could be put in another form.

1420. Mr. *Waters.*] Did you get any orders how you were to vote?—No.

1421. Do yo swear that?—I do; I will explain that to you. When the seat became vacant in our county, when I saw there would be a contest, I went to Mr. Coates, and asked him whether Lord Stradbroke had a friend to represent our county; I did not know that he had yet; he said he had received a letter from Lord Stradbroke about it; I said, "If Lord Stradbroke has a friend I shall vote for him."

1422. Did he read the letter to you?—No.

1423. Did he tell you the gentleman's name; his friend?—He did.

1424. On your oath, were those orders to you to vote?—I was going to vote myself, I wanted no order.

1425. Your lease was out at this time, was it not?—Yes.

1426. Who owned this property before Lord Stradbroke had it?—As well as I remember, Lord Middleton.

1427. Your father was the tenant on it then?—Yes.

1428. He is a Roman Catholic?—Yes.

1429. And you are yourself?—I am.

1430. Do you recollect how your father used to vote when Lord Middleton had it?—No, I cannot recollect, it is a great many years since; I did not know anything of election matters at that time.

1431. Do you recollect as far back as the year 1852?—Yes.

1432. You say that if you were to include boys there would be about 500 there?—Yes.

1433. Do you mean to swear that you believe there were 500 people there?—I do.

1434. Then there were boys there?—Yes.

1435. And women?—I do not exactly say there were women.

1436. Were the 500 throwing stones?—I cannot say whether they were all throwing stones or not.

1437. Will you tell us the names of some of them?—Some of the mob.

1438. Yes.—How can I tell you. I should not know one of them.

1439. Do you mean to swear that?—Yes.

1440. Did you see five men on horseback?—No.

1441. Did you see any men on horseback?—No.

1442. You met no men on horseback?—No.

1443. Did you see a man riding in the field on horseback?—I did not.

1444. And do you mean to swear that you did not see any man there whose name you knew?—I certainly do. I say that I did not know any of them.

1445. Do you know Morris Crotty?—The witness here?

1446. Yes.—I do.

1447. Did you see his son there?—No.

1448. If Morris Crotty said that he saw some of the boys from the neighbourhood of his place there, do you think that you had as good an opportunity of seeing it as he had?—He might have been there, but I should not know that.

1449. Do you live in the same neighbourhood as Crotty?—About half a mile or a mile from him.

1450. And you go to the same chapel every Sunday?—Yes.

1451. And you know all the people about the neighbourhood?—Yes.

1452. Do you know Morris Crotty's sons?—No.

1453. Not even their appearance?—No.

1454. Do you know how many he has?—No; I know Morris Crotty himself; I know all the old men, but I do not know anything of the young people.

1455. And you did not see in that crowd any single person that you knew?—Not one.

1456. Were the people collected in the fields, at each side of the road, after the Lancers went?—The mob were at one side only, as I could see.

1457. There were stones only coming from one side?—At that time?

1458. At any time at all?—Yes.

1459. After the Lancers had gone down there, I am speaking now only of the escorting voters, were there stones thrown at them from more than one side?—Yes.

1460. Were the police and military there all the time?—The military, the carbineers, or whatever they were called, were there.

1461. You came on a car?—Yes.

1462. How many were there on the same car with you?—Two more parties.

1463. Will you tell me their names?—My brother was one.

1464. Is he a voter?—My father lives; he should be a voter.

1465. Is your brother a voter?—He is not.

1466. What is his name?—Patrick Nugent.

1467. Is he the same name as your father?—Yes.

1468. Was he not coming to represent your father?—I do not know.

1469. What do you believe?—

Mr. *Bourke* objected to the question.

Mr. *Waters* was heard in support of the question.

The *Committee* decided that the question ought not to be put.

1470. Mr. *Waters.*] Do you know that your brother was going to represent your father?—I do not know.

1471. Was your father going in?—No, he was not.

1472. And you said your brother was the same name as your father?—Yes.

1473. Did you go back with any of the voters that day?—Back home.

1474. Yes?—I did.

1475. Did you hear any conversation among the voters going back?—Yes.

1476. About the mob?—Yes, about the voters.

1477. Had you any conversation with them coming in from Ballymacarbry to Beary's Cross?—Of course, I suppose I had, but I cannot remember exactly what the conversation was.

1478. Can you recollect any of it?—I could not.

1479. Did you hear any of them say they expected to meet their sons and servant boys?—No.

1480. Did you hear any of them say that they were there?—I did not.

1481. Did you hear them say that they were sorry for not being able to go on to Dungarvan, or glad?—I heard one of the voters coming back say, if he got his land free he would not go.

1482. Did you hear anything else besides that?—I might; I cannot give you the name of the party who said that.

1483. You recollect that, do you recollect anything else; do you recollect any of them saying they were very glad they did not go on?—I do not.

1484. Do you mean to swear to that?—Yes.

1485. Or on the way you did not hear them say they hoped they would be stopped?—I did not.

1486. Did you hear any of them tell the drivers to turn back and drive away?—At Beary's Cross.

1487. Yes?—Not one.

1488. Did you see any of them making signs to the mob to come down on the road to them and cut the traces?—No.

1489. Did you see any of them making signs to the mob to come down, or anything like that?—No.

1490. Did you see any communication passing between the voters on the car and the mob in the field?—No. *E. Nugent.* 27 March 1867.

1491. None whatsoever?—None whatever.

1492. Did you hear since that there was?—I did not.

Re-examined by Mr. *Bourke.*

1493. My friend has asked you whether you were ordered to vote; did you not proceed to go to Dungarvan entirely of your own free will?—

Mr. *Waters* objected to the question.

1494. Mr. *Bourke.*] Did you go into Dungarvan of your own free will, or proceed to go there of your own free will, or was it in consequence of any orders that you received?—

Mr. *Waters* again objected to the question.

Mr. *Bourke* was heard in support of the question.

The *Chairman* said that the question could not be put in that precise manner.

1495. Mr. *Bourke.*] I will ask you the same question that my friend asked you; were any orders of any kind, directly or indirectly, given to you by Lord Stradbroke as to how you should vote?—No.

1496. The first communication respecting your vote, that you made to either Lord Stradbroke or his agent, was that made before any communication was made to you from them?—Oh, no, certainly not.

1497. Who made the first communication?—I made it to Mr. Coates.

1498. Now with regard to the stone throwing, my learned friend tried to make you say that there were stones only being thrown from one side of the road; were there stones being thrown from both sides of the road at Beary's Cross?—There were.

1499. Did you say that the voters, after this had taken place, said in your hearing that they would not go into Dungarvan, if they got all the land between that and Dungarvan?—Yes, I heard one voter say that.

1500. Was this after the stone throwing had taken place?—That was on our way back.

[The Witness withdrew.

Mr. John William Channer, was called in; and having been sworn, was Examined by Mr. *Stephens*, as follows:

1501. You are sub-inspector in the Irish constabulary at Limerick?—I am. *Mr. J. W. Channer.*

1502. Were you called upon to render any assistance at the Waterford election?—I was sent to Dungarvan during the Waterford election.

1503. Do you remember the 28th of December?—I do.

1503*. On that morning, did you leave Clonmel with the party of cars?—I did.

1504. How many men had you then under your orders?—Twenty-five.

1505. Did all those accompany you to Ballymacarbry?—They did.

1506. At Ballymacarbry was your party divided?—It was.

1507. How many accompanied each party?—I went on in a different direction with 13 of the men.

1508. In which direction?—I do not know that part of the country. I was told Cary was the name of the place; I was to come out at Beary's Cross to meet Mr. Warburton.

1509. You were to make a circuit through the country, and to rejoin the main body at Beary's Cross?—Yes.

1510. What is the nature of the country?—Very mountainy.

1511. Till you reached Kilkenny, did anything happen?—No.

1512. At the time you reached Kilkenny, how many cars were there with you?—There must have been 40 cars.

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1513. Were there any persons in them?—No.

1514. At the time you reached Kilkenny?—We picked up some voters on the way.

1515. At the time you reached Kilkenny, how many voters were on the cars?—Twenty-three or 24; we were detained at Kilkenny half an hour collecting voters there.

1516. You expected other voters to join you there?—Yes, we were detained there fully half an hour.

1517. After you had waited there half an hour, did anything happen?—We were attacked by a party.

1518. What did that party consist of?—Able men.

1519. What was the length of road that was covered by your cars?—I should say nearly half a mile in length.

1520. Were you in front or in rear?—In front.

1521. This mob—could you say how many it consisted of?—My opinion is about 150.

1522. Did you see any person particularly active in that mob?—I saw an elderly man who appeared to be the leader of the mob.

1523. Did the mob appear to pay attention to what he said?—They did; they were under the orders of the leader.

1524. Did you hear the mob say anything?—Oh, yes; I heard them yelling and shouting, "Down with the Tories;" "Here's for De la Poer." They said they had only one life to lose, and they would not allow the voters to go on.

1525. Did you hear the word "Tipperary" mentioned?—Not from any of those parties; when I heard the shouting, I heard some persons call out "Here are the Tipperary boys."

1526. What did that refer to, as far as you could judge?—That they were persons from the county of Tipperary.

1527. There were other persons?—I heard shouting and yelling at Kilkenny, and I heard some persons call out "Here are the Tipperary boys."

1528. By the *Committee.*] The shouting and yelling did not arise from those who were at Kilkenny with you?—Not at all.

1529. Mr. *Stephens.*] Did you see any persons come from any direction?—I saw them coming down, and when I saw them, and heard them, my men were on horse, and I got the men down; I directed them to fix swords; I got between the voters and the mob in the best way I possibly could.

1530. What was that part of the country like?—It was rather in a hollow, and the mountains up in the clouds.

1531. Was it a mountainy gorge?—Yes, a mountain pass.

1532. You interposed your men between the voters and the mob?—I did.

1533. Did you say anything to the voters?—I did; I told them to get up to the front cars, and when I saw the mob coming down, I desired them to drive on as quickly as they could, and I tried to keep the mob at the back.

1534. Did you succeed in that object?—I did to the best of my ability; I think some of the voters got away; 17 or 18 of them were afterwards found at Captain Keane's Lodge.

1535. When you drew up your men between the voters and the mob, what did the mob do?—They commenced pelting stones and flourishing sticks; they called out they had but one life to lose, and they would lose that in the cause.

1536. To whom was that addressed?—To the voters.

1537. By the *Committee.*] Who said this, the Tipperary boys or the mob?—The mob that came up at the time.

1538. Mr. *Stephens.*] Did the mob make any attack upon your men?—I do not think they were inclined to injure the police.

1539. Did they go near the police?—The stones came up to the men. One fellow came up to me and said he would break my head, but he did not.

1540. Had you occasion to order your men to charge?—Yes, I had, at the point of the bayonet to charge, to keep them back.

1541. Was that considered by you to be necessary?—I thought it absolutely necessary, unless the voters were to be carried off and be injured.

1542. Did that occur more than once?—All along; 200 or 300 yards.

1543. What was the end of that scene?—The end of it was that the men whipped the horses of the front cars, and they got off; and I afterwards found that 17 of the voters had arrived safely at the mountain lodge of Captain Keane.

1544. By the *Committee.*] Do you say the police charged the mob?—Yes.

1545. Mr. *Stephens.*] More than once?—Repeatedly.

1546. By the *Committee.*] To the extent of 200 or 300 yards?—Yes.

1547. Mr. *Stephens.*] You would not have ordered that unless you had thought it was necessary?—Certainly not.

1548. What did you yourself do when you directed the voters to drive on?—I got in front with my men, and defended them in the best way I could.

1549. Were any of the voters scattered at that point?—I did not see them. I found on my arrival at Lacindara only 17 or 18 there out of 23 or 24.

1550. Did the mob succeed in getting behind your men?—They did.

1551. Having got behind your men, what did they do?—They pulled the voters from the cars.

1552. Did they throw stones?—Yes; I saw a horse lying on the road from one of the cars that had been knocked down; I thought he was killed.

1553. Did you yourself think it necessary to send or go for further assistance?—After some time I did.

1554. After some time you thought it necessary to go or send for assistance?—Yes. Then I got my men out of this place. I found that one of the cars in which I had been myself came back to where I was. I got up, and went in the direction of Beary's Cross. I went to Mr. Warburton to get him to try to recover any of the voters.

1555. Did you get any assistance from Mr. Warburton?—No.

1556. Why did you not?—Because he had quite enough to do when I arrived at Beary's Cross.

1557. Did you get to Beary's Cross in time to witness similar proceedings there?—Yes.

1558. Did

1558. Did you witness the attack at Beary's Cross?—Yes.

1559. It is the fact that the voters were scattered there also?—Yes.

1560. The voters fled?—They did.

1561. Did you consider that their lives were in danger?—Oh dear yes; certainly.

1562. At both places?—Certainly; at Beary's Cross.

1563. Did you also hear any shouts from the mob at Beary's Cross?—I heard a good deal of shouting as we came up. I saw that the military and the police were engaged. I drove on from Kilkenny after I extricated my men from this pass. I drove on to Beary's Cross; and when I came up they were engaged. I did not see the commencement of the riot at Beary's Cross.

1564. When the riot at Beary's Cross was over, what did you do?—I collected the few men I had, and went back to the assistance of my men towards Kilkenny, whom I found coming on with a troop of the 12th Lancers.

1565. When you say you collected the few men you had, do you mean that portion of your party that accompanied the main body in the morning?—Yes.

1566. Then you recruited your own forces?—We went to meet the men that I left at Kilkenny.

1567. On your way to meet them, did you meet anybody else?—I met returning a troop of the 12th Lancers.

1568. Where did they come from?—They came in the direction of Kilkenny. I understood they were sent to the assistance of my men.

1569. Where did you then go to?—When I got my men, I was directed by Mr. Coote, the resident magistrate, to go to Lachindara, the residence of Captain Keane.

1570. When you got to Lachindara, did you find anybody there?—Yes; I met several of the voters that I was escorting; I found that they had arrived safely there.

1571. Do you speak of the Kilkenny voters?—Yes.

1572. You found them at Lachindara?—Yes.

1573. By the *Committee.*] Did you take all your men with you to Lachindara?—Not all my men. When I arrived at Clonmel, 25 of my men were sent on to Dungarvan that night. I was detained at Clonmel with 25 men to escort the voters the following day.

1574. All the men that you left behind at Kilkenny were brought up under the escort of the Lancers; you took them on with you to Lachindara?—Yes.

1575. Mr. *Stephens.*] At Lachindara, you say, you found 17 voters belonging to your original party?—Yes, 17 or 18.

1576. Were there any other voters there?—Captain Keane told me he had 80 there.

1577. Is that in addition to the 17 or 18?—I do not know; he said there were 80 voters under his protection at Lachindara.

1578. I do not ask you what communications were made to you, but I want to know was it in consequence of any communication made to you that you remained at Lachindara?—I did that night.

1579. Before nightfall did anything happen?—Yes.

1580. What?—While I was in the house with Captain Keane I heard shouting and yelling outside. Captain Keane ran out, and requested that I would get my men under arms; he said there was a large party coming to attack his place.

1581. What time of the day was that?—Three or four in the evening.

1582. It was a winter's day?—Yes.

1583. Were you accompanied by a Mr. Orpen; was he of your party?—Yes.

1584. Was that the son of the Mr. Orpen that was in Lachindara Lodge?—The son of the baiilff of the property.

1585. By the *Committee.*] The son?—The son that accompanied me.

1586. Mr. *Stephens.*] At Lachindara Lodge did you see the other Mr. Orpen?—Yes; father and son.

1587. You were proceeding to say that you were summoned to repel an attack?—I was.

1588. What was the nature of that attack?—They came up towards the mountain lodge in a very violent manner, flourishing sticks, and shouting and yelling; and they said they would have the lives of the party inside, making use of the most violent language; and when I came out, Captain Keane begged I would use what force I had to keep them away from his residence, which I did, and drove them out on the road.

1589. Did you succeed in driving them away?—Certainly.

1590. How?—At the point of the bayonet.

1591. Again, you were obliged to use the point of the bayonet?—Yes.

1592. You considered that that was necessary?—Certainly, if I was to disperse the rioters.

1593. You remained at Lachindara all that night?—I did, at the persuasion of Captain Keane.

1594. I do not think you said how many were in the Lachindara mob?—About 100 I should say; it appeared to be that number; I think about 100.

1595. You have already said that the country about there is very mountainous?—Very much so.

1596. Is it, from your observation, a thickly populated neighbourhood?—I should say not.

1597. Is it a place where you would expect, in the ordinary course of things, to find such a number of people?—

Mr. *Waters* objected to the question.

1598. Mr. *Stephens.*] The following morning you left Lachindara?—I did.

1599. Where did you go to?—Dungarvan.

1600. On your way to Dungarvan, did you find any obstacles?—I did at three different places on the road between Lachindara and Dungarvan.

1601. Be good enough to describe to the Committee what the nature of those obstacles was?—Large rocks were thrown across the roads, particularly at one point where there was a bridge.

1602. By what road did you go from Lachindara to Dungarvan?—Not by the Beary's Cross road.

1603. This was another road?—Yes.

1604. Were you induced by anything which you heard to go to Dungarvan by a different road from that which you would otherwise have gone?—Yes.

1605. On the road which you were induced to go, you say you found obstructions; were there three

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three of the same nature?—There were, and one at the bridge much larger than the others.

1606. Give us the points on the road where those obstructions were?—I cannot; there was only one bridge we crossed over.

1607. At what distance were those barricades the one from the other?—I think they were all within a quarter of a mile nearly, or half a mile.

1608. Near the bridge?—Yes.

1609. By the *Committee.*] Were they such obstructions as would impede horses and cars. What class of obstructions were they?—Certainly. I think the rocks must have been this height (*describing*); the men had to get off the horses, and remain there a long time before we could make room to pass, and one of them is so much injured that he is in hospital at Limerick. He was injured in trying to remove this great obstacle; he has not done any duty since.

1610. Assuming that the line of cars which you speak of had reached that point, would they have been able to pass?—I do not suppose we would have gone that road; we would have gone round by Beary's Cross.

1611. I understand the effect of your evidence to be, that cars, if they had taken that road, could not have passed?—Yes.

Mr. *Stephens* said there was a point which this witness could well speak to, as to riots in Dungarvan itself. Of course, if the Committee wished, he was prepared to go into that portion of the case, but it would be more convenient to keep the matter within intelligible compass to complete the evidence as regards Lacindara, with liberty, if the Committee saw fit, to recall this witness as to Dungarvan.

The *Chairman* said that it would be convenient to the Committee that the cross-examination and re-examination should take place on the Lacindara and Beary's Cross affair, and if it should be requested by the learned Counsel, the witness could be recalled for the Dungarvan portion of the inquiry.

Cross-examined by Mr. *Waters.*

1612. I understand you to say, that at Kilkenny you succeeded in keeping the rioters away from the cars?—To the best of my ability I did, but some of them succeeded in getting to the cars.

1613. But your force was strong enough to resist the attack?—No.

1614. Did you not succeed?—When I heard the shouting I sent on the cars, and got them to the front.

1615. If the men had stayed on the cars, they would have been all right?—They got up to some of the cars; I saw them pulling the voters off the cars.

1616. Did the voters seem to go with great reluctance?—I could not tell you that.

1617. What do you think?—I know I remaine for some time after, and I went back and did no see a single voter.

1618. If a voter wished to stop on the car, could he?—A great many of them held firmly to it with their hands.

1619. Did you see others inclined not to do that?—I do not recollect that I did.

1620. You had 18 on the cars?—Yes, I found when I arrived at Lacindara that there were 18 under my charge.

1621. Were your men in front of the cars at Kilkenny, or in the rear?—They were in the front.

1622. These men that afterwards came up, they came from the rear?—Partly from the rear.

1623. How far were they from the cars when you saw them?—They were rushing down to the cars when I made my men dismount.

1624. How far were they off?—I should say about 50 yards.

1625. You then gave directions to the drivers to whip on their horses?—I got the men down, and then gave orders to the drivers to drive on as quickly as possible.

1626. When you saw them in that way, were they approaching or following you?—They were approaching.

1627. Along the same road?—Coming across the fields.

1628. There were none on the road at that time?—There were some, for some that I saw in the road joined in the attack.

1629. Did the drivers at once drive on?—Yes, but their horses were caught.

1630. Did you see the voters running off?—I saw them dragged off.

1631. Did you see them assisted off?—I did.

1632. If the car was going fast, and a voter had jumped off by himself, he might have fallen?—I saw a person seize the reins the first thing.

1633. Did you not see voters willingly going off, and anxious to escape?—I will not say that.

1634. What do you believe, from having seen the demeanour of the men; did they seem to you to be at all anxious to escape?—I could not take on myself to swear that.

1635. But you will not say that they were not anxious to escape?—No, I saw them pulled off the cars.

1636. Do you believe that if they had been willing to stay with you, you could have brought them on to Dungarvan?—I was supposed to come round by Lacindara, and take up all the voters who were to meet Mr. Warburton, at Beary's Cross.

1637. Do you believe that if they had been willing, you would have been able to take them on with you?—Certainly, if I met with no obstruction.

1638. I say, take the obstructions as they were, do you believe that if they had been anxious to go to Dungarvan, you could have carried them on with the 17 or 18 men that you did carry on?—If no attack were made on the voters I could, but otherwise not.

1639. If those men, the voters, had been willing to go into Dungarvan, do you believe that you could have carried them on?—Certainly not

1640. You got up to Lacindara Lodge in safety?—Yes.

1641. After this brush at Kilkenny?—Yes.

1642. Do I understand you left all the men there, and went by yourself to Beary's Cross, or did you take the men to Beary's Cross?—No; shortly after I got out of the pass of Kilkenny, I found the car I was sitting on returning to me, and I drove by myself to Beary's Cross.

1643. And you left the men to come on to the Lodge?—To come on to Beary's Cross with me.

1644. When you arrived at Beary's Cross the business was over there, was it not?—No.

1645. Nearly

1645. Nearly?—I did not see the commencement.

1646. Were your men there?—The 11 that Mr. Warburton took on, but the others had not come up from Kilkenny.

1647. Your men had no officer with them?—No.

1648. Did you see the numbers of the mob at Beary's Cross?—Yes.

1649. With 50 men, would you undertake to bring in those voters from Beary's Cross?—Yes; but I should be obliged to resolve to violence.

1650. That is, if you were opposed, you should execute your orders?—Yes.

1651. You did use violence at Kilkeny; putting a bayonet to a man's breast is rather a violent thing?—Yes.

1652. You did use some violence there?—Yes, to that extent.

1653. And not more than you thought necessary?—There was no person injured.

1654. Would you have brought on the voters at Beary's Cross, if they had been willing to come with you, using as much violence as might be necessary?—If I had my own 50 men, I should not be in the least afraid of bringing them at Beary's Cross.

1655. That is if the voters had been willing?—Yes.

1656. But if they jumped off, when there was no opposition, you could not catch them?—I do not consider Dragoons fit to escort voters.

1657. If the 17 voters had ran away from Beary's Cross, you could not, with your 50 men, oppose the mob and catch the voters?—No.

1658. I ask you, if with 50 men, you would have undertaken to escort them there?—When I came up to Beary's Cross, nearly all the voters had left.

1659. You would want some men in addition to the 50 to run after the voters to catch them?——

1660. By the *Committee.*] How many voters did you find at Beary's Cross before you arrived?—They had nearly all gone away.

1661. However many you might have found there, you could have conveyed them into Dungarvan with 50 policemen?—Yes.

1662. Using the necessary amount of violence if you met with resistance?—Yes.

1663. Mr. *Waters.*] After that you got back in the evening to Lacindara?—Yes.

1664. Did you hear that the mob, either at Kilkenny or at Beary's Cross, was composed of the sons and servants of the voters themselves?—No.

1665. Did you hear that from any of the voters?—No.

1666. Did you hear the voters themselves speaking amongst themselves of their own intentions and desires?—No.

1667. Did you hear any expression of a desire on their part to be obstructed?—No.

1668. You resisted the attack that night at Lacindara?—It was not at night.

1669. In the evening?—About three in the evening.

1670. And you had not to inflict any injury?—No.

1671. They retreated before you, when you showed a bold front?—Yes.

1672. They did the same at Kilkenny, I believe?—No; they were clinging to the horses.

1673. You had not to take life at Kilkenny?—No.

1674. The men moved away when they saw you were determined to carry out your orders?—When the cars got in.

1675. Before that you had to present bayonets to them?—Yes.

1676. That was all?—Yes.

1677. Did you keep your 25 men at Lacindara that night?—Yes.

1678. And kept the voters there?—No, I did not; shortly after the attack was made, Captain Keane said, "I am not a magistrate, but I have been attacked," and he entreated that I would remain.

1679. You did remain at any rate?—Yes, I got permission to remain.

1680. And you did remain?—Yes.

1681. With the 25 men?—Yes.

1682. And you were no more assaulted or assailed?—No.

1683. It was on the Friday evening?—The day before the election at Dungarvan.

1684. How many miles off is that place?—It is nine miles from Dungarvan.

1685. Was the road that you went the next morning, the high road?—It was not

1686. Was it a mountain road?—Yes.

1687. An unused mountain road?—Not exactly an unused road; it was a more hilly road than the other, and not a mountain road.

1688. Is it not what is called one of the old mountain roads?—It is a hilly road, but not a mountain road.

1689. It is not the public high road?—It is the public high road; it is not the road from Clonmel to Dungarvan.

1690. By the *Committee.*] Was it a road that had become impassable from this use that had been made of it?—Not at all, it was in capital order.

1691. Mr. *Waters.*] You had no difficulty in removing these obstructions?—This one at the bridge was a great obstruction, and remained there a long time; there was an immense big stone all along the road; it was in a hollow, so that they had very little to do but to roll the stones down into the hollow.

1692. And you had very little to do but to roll them off?—Yes.

1693. You did succeed in getting into Dungarvan?—Yes.

1694. Safe and sound?—Yes.

1695. And with all your men?—Yes.

1696. And without any attack on you?—Yes.

1697. Who accompanied you there?—Twenty-five police, and young Orpen was on the car to show us the road.

1698. Where did you meet him on the Friday?—He came from Clonmel with the escort, and he went on with me from Ballymacarbry.

1699. And you collected the men as you went along?—Yes.

1700. You do not know that these men on the cars were voters?—No, I met them at Captain Keane's, who told me that they were voters.

1701. Did you bring the voters in from Lacindara to Dungarvan?—No.

1702. You had 25 men there?—Yes.

1703. And had successfully resisted every attack on the evening of Friday; was there any attack on Saturday?—I went into Dungarvan on Saturday morning early.

1704. Was there any attack on Saturday morning?—No; the night before Captain Keane addressed the electors at his house——

1705. I do

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1705. I do not want that; tell me what became of the voters?—Captain Keane told the voters——

1706. Don't tell us what he said.

1707. By the *Committee.*] Tell us what the voters did?—They went home.

1708. Mr. *Waters.*] Of their own accord?—By the direction of Captain Keane.

1709. Tell me what he said?—That is just what I was going to tell you, but you stopped me. There was such violence he said that they would not not risk their lives by bringing them into Dungarvan.

1710. Did he say anything about intimidation or undue violence; did he use any such legal phraseology?—He said that there was so much violence used, that he would not risk the lives of the voters.

1711. What time was this?—About four or five in the evening of Friday.

1712. And this was after you had dispersed the mob, and put an end to any attack that was made on you?—Yes; you stopped me when I was going to tell you about Captain Keane, and the reason I remained at Lacindara Lodge.

1713. The voters went away of their own accord; would you have undertaken to take them safely into Dungarvan that night, if they had wished to go?—I could not answer.

1714. What do you think?—I would not.

1715. With 25 policemen?—I would not take upon myself to carry those men at that hour of the night.

1716. The next morning?—They would be too few to carry 100 voters.

1717. Did you take the 25?—Yes.

1718. If the voters had been with you, would they have been attacked?—I could not answer that.

1719. Was there any one there to attack them?—I cannot say.

1720. Did you go through Beary's Cross?—No.

1721. Were there any persons on the road assembled to attack you?—Not the road I went.

1722. You do not know that there were any people assembled to attack you. If the voters had been with you I suppose they could have got in as safely as the police did, is that so?—

Mr. *Stephens* objected to the question.

Re-examined by Mr. *Stephens.*

1723. I believe the mob have a very wholesome respect for the point of the bayonet?—It appears so.

1724. By the *Committee.*] What I understood you to say with regard to Kilkenny was, that you found a mob there when you first arrived?—No.

1725. None when you first arrived?—There were some persons remaining there, but a mob came up while we were there.

1726. You received no molestation till the people who were there, began shouting and calling out, "Here come the Tipperary boys"?—Yes.

1727. The Tipperary boys would be in front of and on one side of you?—Rather in the rear.

The Witness withdrew.

[Adjourned till Eleven o'clock on Friday.

Friday, 29th March 1867.

HUGH EDWARD ADAIR, Esq., in the Chair.

Mr. Abraham Coates, recalled; and Examined by Mr. *Harris*.

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1728. Does the list which the petitioners have furnished contain the names of the persons who were on their way to Dungarvan from Ballymacarbry on that day (*handing a list to the Witness*)?—This list contains the names down to that (*pointing to the list*), with the exception of myself, who was a 50 *l.* freeholder in the county, and it is not in this list; I was on a car; all the rest here were on cars.

1729. Are the persons there to the number you have stated, 72?—I did not count them here; I know all these men, and I had all these upon the cars.

1730. By the *Committee.*] Is that a list of Lord Stradbroke's voters?—There are a few exceptions; there are two of Lord Donoughmore's, and there is one of Mr. Prendergast's.

1731. Mr. *Harris.*] These were all coming from Glenahiry barony?—There was one that did not.

1732. But all with the exception of one?—Yes.

1733. And none of these men voted?—No.

Cross-examined by Mr. *O'Malley.*

1734. First of all, I see you were looking over that list since you came here?—Yes.

1735. That was for the purpose of ascertaining whether those were correct names?—Yes.

1736. Now, do you mean to tell the Committee that you so accurately remember the names of all the voters, that in looking over since you came into that chair, you can declare that that list represents them accurately?—I have not the slightest moral doubt in the world about it.

1737. But moral doubt will not do; do you mean to tell the Committee that, in the short survey you gave, you were able to identify all those names?—I gave this survey great attention. Before I returned this list, I wanted to see whether they were the same as I totted off with the proper parties; I know very well that those were on the cars.

1738. Will you undertake to say that you know personally every voter whose name is here?—I know every one of them, except perhaps one or two; there is one of Lord Donoughmore's tenants here.

1739. You know them personally?—I do; I will name every one that I know personally.

1740. If you say that you know them all except two, I would rather save the Committee and myself the trouble of hearing them named; but you have looked over the list?—Here is one, I do not know him, James Murphy, of Kilmack, West, that man is a tenant of Lord Donoughmore.

1741. Now I will take it that you know them all personally, except two or three?—Yes.

1742. Whose tenants are those that you know?—Lord Stradbroke's.

1743. Where were those taken up?—They were taken up along the line of road.

1744. Did you see each one taken up; what car did you ride upon?—I rode upon one of the cars.

1745. In the front or rear?—I rode in my own carriage from my own house to the bounds of Lord Stradbroke's estate, at the Clonmel end, and I had 15 cars engaged by Lord Stradbroke for our voters.

1746. Is that the least answer to my question; were you in the rear, or in the front, or in the middle?—I was in the front coming on from there to Ballymacarbry.

1747. You were in front you say. I suppose after you left Lord Stradbroke's estate, you ceased to take up Lord Stradboke's voters?—Yes, I did.

1748. What I want to know is, while the cavalcade was passing through Lord Stradbroke's estate, were you in front or in the rear of the cavalcade?—I was in front of the cavalcade in my own carriage from the bounds of the estate to Ballymacarbry; up to that point.

1749. You were in front of the cavalcade?—Up to that point.

1750. Did you stop to look behind you and see who got up into the cars; I saw every one of them getting up into the cars up to that point.

1751. You swear to that?—I do.

1752. Did you stop your carriage for the purpose?—I did, and brought them all along.

1753. And had you got out of your carriage?—I left the carriage at home.

1754. But you kept your carriage to the end of the estate?—No; I kept my carriage from the time I left my own house till I came back to my own house to breakfast.

1755. Now I want to know did you yourself get out to see each voter get on the car?—When I went down from Ballymacarbry after breakfast——

1756. Will you answer that question; you are a gentleman of intelligence; did you get out to see each individual voter mount upon the cars?—Get out of what?

1757. Did you get out of your vehicle, whatever it was?—When the carriages were at Ballymacarbry village, they stopped there for a quarter of an hour, and then when one lot of cars went on one way for Mrs. Chandler's tenants, I saw all

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all Lord Stradbroke's tenants, and took care that I saw them all along the remainder of the line, until I got to the south end of the estate, and we picked them out.

1758. You will not answer my question; I have a reason for having a distinct answer to this question; did you yourself see each voter get into the cars?—I think I did.

1759. Will you swear that?—I will swear to the best of my knowledge and belief that I saw every one of them.

1760. Were they all mustered in one place and started with the cars, or did they get up from time to time?—They got up from time to time.

1761. Do you mean to tell the Committee that from time to time, as you came to each voter's house, or wherever it was, you stopped your vehicle, and looked back?—I was in a car and stopped the cars. Some of the men came half a mile or three-quarters of a mile from their residences up to the road; I stopped my car and said, "Toby, stop the cars," and then we went on again; and when I came up to the other men I said again, "Stop the cars," and they got on.

[The Witness withdrew.

Mr. *Mundell* produced a copy of the state of the Register in 1852, which had been asked for by the Committee.

Mr. *O'Malley* objected to the copy, and stated that he desired the poll books to be produced.

Mr. *Mundell* stated that the numbers were aken from the Second Parker-Rodwell and Dew, and that they had not the poll books in the Committee-room; he further stated that he could call the agent to state that the numbers were accurately taken from the Returns.

On the suggestion of the *Chairman*, that the numbers were taken from a scrutiny,

Mr. *Mundell* stated that he would not press his point.

Mr. James D'Altra Dowseley, was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

Mr. *J. D'A. Dowseley.*

1762. What are you?—A Solicitor and Attorney.

1763. Where do you practise?—At Clonmel.

1764. On the morning of the 28th December did you leave Clonmel with a number of cars?—I did.

1765. Did you go to Ballymacarbry?—Yes.

1766. With the rest of the cars?—Yes.

1767. You were escorted by an escort of the 6th Carabineers?—Yes.

1678. Was there a resident magistrate with you?—Yes.

1769. Who was that?—Mr. Warburton, of Cahir.

1770. You got breakfast at Ballymacarbry?—Yes.

1771. And then did you send away a certain number of the cars towards the Charnley estate?—Yes.

1772. In whose charge were those cars?—They were in charge of a man of the name of Griffin.

1773. Were you to meet those cars at Berry's Cross?—I was to have met them at Berry's Cross; they had directions from me to meet them at Berry's Cross.

1774. You went with the other cars through the Stradbroke estate, I think?—Yes.

1775. Did you go by the high road?—No.

1776. Why?—A rumour reached us that mobs were along it.

Mr. *O'Malley* objected to this statement.

Witness.] We preferred going the other road for safety's sake.

1777. Was that in consequence of information which you received?—

Mr. *O'Malley* objected to the question.

1778. Mr. *Bourke.*] How did you intend to go at first?—My original intention on leaving Clonmel was to go by the high road.

Mr. *O'Malley* objected to this statement.

1779. Mr. *Bourke* (to the *Witness*).] What was the direct road from Ballymacarbry to Berry's Cross?—A road nearly parallel to that by which we went.

1780. Which is the better road?—The mail road, the road we did not go; that is a flat road nearly, and the other is a mountain road; I consider the flat road the better road, as the mail travels that way.

1781. Did you receive a communication?—Yes.

1782. What did you do?—I went up the mountain road.

1783. How long did you remain at Berry's Cross?—About three-quarters of an hour, or perhaps an hour, I might say; I think I might say an hour we remained at Berry's Cross.

1784. And did you leave the main road and accompany Mr. Prendergast anywhere?—I accompanied Mr. Prendergast and the Rev. Mr. Fry from the main road. I was uneasy at not finding the other cars ready to meet us. I left the road.

1785. When you left Berry's Cross was everything quiet?—Yes, perfectly so.

1786. How soon after you left Berry's Cross was this quiet disturbed?—I had remained at Berry's Cross about three-quarters of an hour, and I left the Cross and went down the road. I had gone about 300 yards down the road when I heard a loud noise of shouting. That was the first disturbance that I had any notice of.

1787. Then what did you do?—I was then walking with the Rev. Mr. Fry, and I left him, and I said that I would go back, as Mr. Prendergast was on before me.

1788. What did you do?—I went back to the Cross.

1789. When you got back to the Cross, did you see the escort of Carabineers?—Yes.

1790. Were they in the same position as they were when you left Berry's Cross?—No.

1791. What was the difference in their position?—When I left the Cross the Carabineers were in the rear, and the Lancers were in the front. When I returned the Lancers had mounted, and the Carbiniers had changed their position, and they were ranged in single file along the line of cars to our left as we faced Dungarvan.

1792. In

1792. In what position were the swords of the Carabineers?—The swords were drawn.

1793. Did you see a number of people when you returned?—As I approached the Cross I saw a number of people coming up the road to o front from the direction of Dungarvan, and I saw that they were very much excited seemingly, brandishing sticks and shouting.

1794. On which side of the road were they then?—They were then on the main road. Some of them were to our left in the fields.

1795. That is, on the left of the escort?—On the left of the escort as they faced Dungarvan. I then went down to my carriage and got into it.

1796. Was that on the main road?—That was on the main road; and I stood up on the carriage to see what was going forward. The first thing I observed was, that the Lancers were departing from the front of the cars and going down the Lackandarra-road; that was the road I had been on.

1797. You saw the Lancers going down the Lackandarra-road?—I saw them going down the Lackandarra-road at full charge, at full speed; and I saw a large number in the field, going into the field from the road; and I saw them running down towards the Lancers until they got about 50 yards, I should say, from the Cross. They immediately commenced pelting the Lancers with stones, and I saw several of them strike the Lancers.

1798. Were they large stones?—Yes, very large.

1799. By the *Committee.*] You mean the stones struck the Lancers?—Yes. I saw a Lancer with his head uncovered; I did not see his helmet knocked off; but they then continued their speed down the road, and then a few moments after that I saw the Rev. Mr. Fry coming back; and I saw the Rev. Mr. Fry leave the road and go into the field and come towards me. Mr. Fry had been driving with me in the same carriage, and he was intercepted by a lot of men with sticks, and they got round him and seemed disposed to hurt him, but the police got off the cars and went to assist him with their guns, and rescued Mr. Fry and brought him on; and then immediately after that I saw Mr. Prendergast returning; and as Mr. Prendergast approached the place where I saw the Lancers first attacked with the stones, which is about 50 yards from the Cross, a lot of men, some of the same party who had pelted at the Lancers, leaped over the fence and surrounded him; and I saw a man lifting a very thick stick over his head as if to strike him, and another immediately going forward and intercepting his hand and pushing him away, and then Mr. Prendergast got away. A few minutes after that, about five or six men came down to our left from the Cross in the fields, and one of them appeared to be the leader, and he addressed us. I do not know whether he addressed any other cars, but he addressed us in the carriage, and said that we had better go back, for that we would never carry our lives out of that if we did not. The men who were with me in the carriage were very much frightened.

1800. Were they voters?—I understood so. I did not know the men. I understood they were voters.

1801. Did the man say anything else?—He said nothing more; he went back again immediately afterwards. Then we were attacked in the front. I could see that the mob commenced an attack along the front, and showered stones in among the voters; and I saw great confusion going on in the front, and the carriages turning. Our driver turned also at the request of some of those in the carriage, and immediately a general retreat commenced. The soldiers appeared in some confusion too.

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1802. Had you any opportunity of observing the numbers at all when you arrived at Berry's Cross first?—When I arrived at the Cross first there was no one there.

1803. When you first heard the cries?—When I first heard the cries I suppose there were between 50 and 100 coming up the road.

1804. Which road?—From the Dungarvan direction; but then they increased very considerably afterwards. I would not say what the exact number was, for my attention was chiefly directed to the party who were attacking the soldiers, but I should say there was a very large number. I do not think I should over estimate it if I were to say there were 150, and they increased considerably after that. They came also from the Cappa-road, opposite to the Lackandarra-road.

1805. Would that road be the road that led from Kilkenny to Berry's Cross?—The Cappa-road goes at right angles to the main Dungarvan-road, opposite to the Lackandarra-road.

1806. Mr *Bourke.*] What did you do?—I retreated in the carriage for nearly half a mile.

1807. At that time did you see any person who had been hurt?—Not then, afterwards. I then got out of the carriage to go to Dungarvan, and I came up the road a little distance. I did not like to go up to the Cross again; and on my way up the cars were passing me, several of them; and one man was on a car with his head very severely cut and bleeding. It was cut here (*pointing to the temple*). One of the men took off his hat to show me the cut, and it seemed a very serious one.

1808. Were you on the road?—I was.

1809. Did you see any women and children amongst the mob?—There may have been, but I did not observe them, because I was taking more notice of the party in the front. I cannot remember having seen women or children, but they may have been there.

1810. Then you say you went to Dungarvan?—Yes, I went to Dungarvan.

1811. How did you go to Dungarvan; did you go by the road or through the fields?—Not by the road; I left the main road, and I went down through the fields at right angles to the road for a considerable distance until I got beyond reach altogether of the road, and then I observed some persons looking at me from the ditches, and I took a diagonal course as if towards a place called Cappa; my first direction was towards Ballinamult, and then towards Cappa, and then I kept on that way until I got into a bog; and I went along some distance until I got shelter in a large ditch parallel with the main road; and then I had to deviate again, and I went by a circuitous course into Dungarvan, until I got within two miles of the town.

1812. And when you came within two miles of the town, what did you do?—I came to a house known as the "Pike," and I saw some persons there outside; they seemed to be a mob, and I should say that there were some 15 or 20 assembled about the house; I was a little nervous and was tired after the walk; I was nervous about

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about approaching them; and just then Mr. Barry, a resident magistrate at Dungarvan, came up; he had a troop of Lancers with him, and I asked him if he was going to Berry's Cross.

1813. He had troops with him; did he give you any troops to go with you?—I asked him for an escort, and he would not give them to me.

1814. How did you get into Dungarvan?—He suggested that I should take a seat in a carriage that was approaching, and he called in my presence to the driver, and said——

1815. Whose carriage was that that you went in?—I do not know.

1816. Mr. *O'Malley.*] Who did he tell you it belonged to?—Mr. James Galway; he said it is James Galway's carriage, and I will ask him to let you into it as a friend of mine.

1817. Mr. *Bourke.*] Did anything happen after you got into the carriage?—No.

1818. Was any obstruction given to the carriage as you went through?—No.

1819. By the *Committee.*] I do not understand that those 20 people at the house called the "Pike" attempted to molest you in any way?—No, they did not; I only say that I was nervous, and that was why I had to ask for assistance; I saw them in the distance before me, and I was anxious, seeing the military there, to try and get an escort.

1820. Mr. *Bourke.*] Did you attend the polling place?—Yes, on the following day.

1821. Did you hear people voting for Mr. De La Poer?—Yes.

1822. Had they any particular mark about them, or designation?—Persons who came to the poll had laurel with them in their hats or hands; laurel branches or laurel leaves.

1823. Did you observe the 12th Lancers charge on that day at Dungarvan?—Yes, I did.

1824. Where were you then?—I was standing outside of my polling booth; there was no polling then going on.

1825. By the *Committee.*] Did you hold any official position at the polling booth?—Yes, I was inspector for Captain Talbot; no polling was then going on.

1826. Mr. *Bourke.*] When the Lancers charged?—Yes, the Lancers were attacked on the bridge.

1827. Did you see that attack?—I did.

1828. Just describe the attack?—I was standing outside the court-house door opposite to my booth, and I saw the cavalcade coming over the bridge; they were escorting voters; there was infantry and cavalry there.

Mr. *O'Malley* objected to this as not being opened in Mr. Mundell's speech, and that no names were given with respect to it.

Mr. *Mundell* stated that he did mention it.

Mr. *O'Malley* withdrew his objection.

1829. Mr. *Bourke.*] Will you proceed?—I saw the stones showered over the bridge, the further side, from the left hand side as I faced the bridge; I do not know what that side is called, as I am a stranger to Dungarvan, but it was at the left hand side facing the bridge that I saw a large shower of stones rained down on them; very large stones indeed; but that was the only portion of the occurrence that I saw; I was obliged to be in the booth.

1830. Were you walking in the town of Dungarvan that day?—No, I was obliged to be in the booth.

1831. Did you see persons bringing up electors to poll?—Yes.

1832. Did you see any Roman Catholic clergymen?—I saw gentlemen dressed as Roman Catholic clergymen; I presume that they were so.

1833. What were they doing?—They were with the voters, some of them.

1834. Were they in the booths?—I do not remember them in my booth; I saw them going into other booths.

Mr. *O'Malley* objected to this evidence.

Cross-examined by Mr. *O'Malley.*

1835. Were you a voter?—No.

1836. You are not a Waterford man, I believe?—No.

1837. And what were you employed upon in that perilous journey which you undertook?—I was going over to attend as an inspector.

1838. But it was not necessary for you to go round about gathering up voters to attend as an inspector?—No, I had no directions to gather up voters; all I had to do was to go on the cars.

1839. Had you anything to do with the voters at all?—No.

1840. Tell me this, as far as you could see, what were the Carabineers there for; they were not there to protect the voters?—I consider that they were.

1841. What act, will you tell me, did the Carabineers do, from the first moment they started until the end, to protect the voters?—I did not see them do anything.

1842. Did you see the police make any effort to protect the voters?—Yes; when Mr. Fry was attacked, I saw them go to his assistance.

1843. In any other instance did you see the police do anything to protect the voters?—I cannot say that I did.

1844. Tell me this; before 40 people had collected, the voters had all run away, had they not?—No.

1845. Did you not tell a gentleman here that you did not say so?—I did not.

1846. Will you swear it?—I will most decidedly; I have no recollection of it.

1847. Will you swear that you did not?—I will; I could not have said that, because it is not the fact.

1848. In point of fact, did you hear one of the parties, Mr. Warburton, asked to read the Riot Act; will you undertake to say that you did not tell this gentleman that there were not above 40 people collected when the voters ran away?—Indeed I will.

1849. Do you remember at what period the voters began to decamp?—After the attack was made upon the front.

1850. And before it had reached the rear?—Before it had reached the rear.

1851. The front were the military, were not they?—The front were the Lancers.

1852. The moment the attack was made upon the Lancers, away went the voters; did you hear

hear the voters cheering as they went away?—No, I did not.

1853. In less than half-a-minute they were all gone, were not they; was not there a regular running away of them all?—I should not say half-a-minute; I should say between seven and ten minutes.

1854. As to those Lancers that charged down this road, do you know what they charged for?—I heard what they charged for.

1855. Did you see anything that they were charging at?—No.

1856. They were running away, I should think?—I do not know, of my own knowledge.

1857. You saw nothing that took the Lancers down there?—No.

1858. And the Lancers having charged, as you say, into the empty space, the mob followed after them?—The mob did not follow after them, they came down a field at right angles.

1859. Did it not occur to you that the mob were rather ashamed of this military exploit, and wanted to force them back?—It occurred to me that perhaps they were going down the road for the purpose of charging up through the field; I was expecting to see them do it.

1860. But they did not do it?—No.

1861. Did the Carabineers do anything?—No.

1862. Did the police, with the exception of protecting Mr. Fry, do anything?—No; they may have, but I did not see them.

1863. Did you happen to hear Mr. Warburton asked to order the troops to fire?—No, I did not hear it.

1864. Did you hear anyone say "Where are the voters to protect"?—No.

1865. You got to Dungarvan?—Yes.

1866. What hour did you get into Dungarvan?—It was not dark; I consider it was about four o'clock; I did not look at the time, but I judged from the appearance of the day; it was just slightly dusk.

1867. The gentleman that you went in company with was a supporter of Mr. De La Poer, was he not?—I did not go with any gentleman.

1868. Was the carriage empty?—Yes.

1869. I believe that you were loudly cheered as you went in?—I believe we got some cheers.

1870. I hope that you acknowledged them?—No, I did not at all; there were green boughs on the carriage, and that is perhaps what made them cheer; the carriage was dressed with green boughs.

1871. Was it for yourself that you asked the escort of the Lancers to escort you in?—Yes; I was very nervous. Mr. *J. D'A. Dowseley.* 29 March 1867.

Re-examined by Mr. *Harris.*

1872. No wonder. Now you have been asked about the Lancers going down the Lackandarra-road; did you hear at the time what the reason was why they went down that road?—Not at that time.

1873. Were you near Mr. Warburton at the time this was going on; how far were you from him?—I was about 50 yards from him.

1874. You did not hear what he said?—No.

1875. By the *Committee.*] Did you see anybody talking to Mr. Warburton?—No; I had not a view of Mr. Warburton when I got into my carriage; I did not see him.

1876. Whilst you were near Mr. Warburton, did you see the police do anything in regard to their arms?—No, I was not sufficiently near Mr. Warburton at all, from the moment I joined my carriage on the Lackandarra-road.

1877. How came you, as you were going to be inspector at Dungarvan, to join this procession of cars when it left Clonmel; were you aware that the cars were for the purpose of conveying voters in the interest of one of the candidates; how came you, being about to hold an official position, to place yourself in connection with those cars?—I got directions to do so.

1878. You received the directions from whom?—From Mr. Honner.

1879. Who is Mr. Honner?—He is a solicitor at Clonmel.

1880. Does he hold any official position, so that he could give you official orders?—Yes.

1881. What is he?—He was acting as local agent there for Captain Talbot.

1882. But he was not holding any Government or official position that would authorise him to tell you what to do?—No.

1883. Nor did he represent the sheriff in any way?—No, I was not representing the sheriff at all.

Mr. *Harris* stated that an inspector was equivalent to an agent in this country; that he was an officer of the candidate.

Witness.] I considered myself one of Mr. Talbot's solicitors.

[The Witness withdrew.

Captain Leopold Keane is called in; and, having been sworn, is Examined by Mr. *Mundell,* as follows:

1884. You, I believe, are a brother of Sir John Keane?—Yes. Captain *L. Keane.*

1885. And connected with the county of Waterford?—Yes.

1886. I believe that young Mr. Chearnley, whose estates are in the neighbourhood of Lackandarra, is your nephew?—Yes.

1887. He is a minor?—Yes.

1888. Do you remember Thursday, the 27th of December, last year?—Yes, I do.

1889. Did you start to go to Lackandarra Lodge on that day?—I did.

1890. About what time in the morning?—About 11.

1891. And where did you start from?—Lismore.

1892. Would you come down to go there; how would you go; would you come towards Cappa, and so to Dungarvan?—I should pass through Cappoquin, and then to Mountain Castle.

1893. That is the seat of Mr. O'Keefe, is not it?—It is.

1894. How near would you go to the house of Mr. O'Keefe?—About 200 yards.

1895. And would you be able to see what was going

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going on there?—I saw banners, and flags, and triumphal arches.

1896. And heard music?—I did not hear any music.

1897. Do you happen to know whether, upon that day, Mr. De La Poer was at Mr. O'Keefe's?—I merely heard that he was there.

1898. You did not see him there?—No, I did not.

1899. At any rate, there was a very large meeting?—I was not at the meeting.

1900. Did you see bodies of people anywhere near Mountain Castle?—I passed through large bodies on the road going to Mountain Castle.

1901. Were they going, when you saw them, in the direction of Mountain Castle?—They were going in that direction.

1902. And how near did you see them to the house?—They were not within a mile of Mountain Castle, when I saw them.

1903. They were walking in that direction?—Yes.

1904. By the *Committee.*] Were they coming from east and west, or all in the same direction?—They were going from south to north, all in the same direction.

1905. Mr. *Mundell.*] So you overtook them, rather than met them?—I overtook them, and drove through them.

1906. What were you going to do at Lackandarra?—I was going to assist the bailiff to collect the tenantry.

1907. Is Mr. Charles Orpen the name of the name of the bailiff?—It is.

1908. To collect the tenantry, and to go where?—To Dungarvan, on the following day.

1909. To poll?—Yes.

1910. Were arrangements made that cars should come to Lackandarra, to take voters to Dungarvan?—Yes, I was informed so.

1911. And from what direction were those cars expected to come?—From Clonmel.

1912. On the next morning, Friday morning, did Mr. Charles Orpen come to you and make a communication to you?—He did.

1913. There are two men, of the names of Thomas Murray and Michael Magrath, who live at Mountain Castle, that you know?—There are.

1914. And after that communication was made to you did you order out your car, and go with Mr. Orpen?—I did immediately.

1915. You and he together?—He and I together, on the car with the driver.

1916. And in what direction did you proceed when you were on the car?—In the direction of Berry's Cross.

1917. Let me get it at once; how far is Lackandarra Lodge, where you were then, from Berry's Cross?—About a mile; it may be a little more or less.

1918. Thereabouts?—Yes.

1919. By the *Committee.*] Is the road level, or is it an undulating road?—It is an undulating road; very hilly.

1920. Is there any dip between Berry's Cross and Lackandarra-road?—There is, close to the Lodge; there is a glen, a hollow running down.

1921. Near Lackandarra Lodge?—Yes.

1922. Mr. *Mundell.*] Going in that direction, did you meet with any one?—I met Murray.

1923. Was he alone, or with anyone else?—He was with his son.

1924. In what condition did he seem; you must not tell me what he said to you?—He seemed rather frightened.

Mr. *O'Malley* objected to this question.

1925. Mr. *Mundell.*] And he made a communication to you, did he?—He did.

1926. Did you go back with him and his son to Lackandarra Lodge?—They walked back after the car, and I drove back on the car myself, with Mr. Orpen.

1927. Was any further communication made to you at that time, when you came back to Lackandarra Lodge, by people coming from Kilkenny?—Yes, a messenger came in from Kilkenny.

1928. A message was sent to you?—Yes.

1929. In consequence of that, did you write a letter to the officer in command of the escort at Berry's Cross?—Yes.

1930. And did you send that letter?—Yes.

1931. To what officer did you address it?—I addressed it to the officer commanding; I did not know what officer was there.

1932. After that, did you receive a reply to your letter?—I did.

1933. From the officer?—

Mr. *O'Malley* objected to this question, and stated that the officer himself should be called.

Mr. *Mundell* stated that he would call the officer in question.

1934. (To the *Witness.*) Did you receive a letter from the officer who was in command?—I did.

The *Chairman* stated that these questions were not admissible.

1935. Mr. *Mundell.*] Did you receive an answer to your letter?—I did.

1936. How long was it after you got the letter before any Lancers were seen by you?—About half an hour.

1937. About how many Lancers then came down towards Lackandarra Lodge?—To the best of my belief, I should say about 20.

1938. Was there any magistrate with them, that you knew?—There was a gentleman with them whom I did not know.

1939. A civilian?—Yes, he was dressed in civilian's clothes.

1940. And he rode with them?—He drove in a car.

1941. Do not tell me what you said to the officer, but in consequence of that, did the officer after you had made a communication to him, leave you at Lackandarra Lodge and proceed further?—He did.

1942. In what direction did he go?—He went in the direction of Kilkenny Gap.

1943. At what o'clock was it that the officer so went up towards Kilkenny Gap?—About one o'clock; one or two, I am not exactly certain.

1944. Now after a while, did this escort of troops return?—Not to me.

1945. You did not see them any more?—I did not see them any more.

1946. Some time on that day did you see sub-inspector Channer?—I did.

1947. About what time?—About half past two or three.

1948. How many men did he come up with?—Twenty-five, I think.

1949. After

1949. After they came up, and those 25 men were there, where did they come to; did they come to you at Lackandarra Lodge?—Yes, they came into the Lodge.

1950. Is Lackandarra Lodge the name of a gentleman's house, or is it the lodge to a gentleman's house?—It is a shooting lodge.

1951. After they had been up about half-an-hour, did anything happen at Lackandarra?—Yes.

1952. Will you describe in your own way what took place?—A man came into me to say that there was a mob coming up to attack us. I went out to the field adjoining the Lodge, and I saw a number of men in it, some on foot and some on horseback; three or four on horseback.

1953. About how many should you say there were altogether?—About 100.

1954. What did the men on horseback seem to be doing?—Giving orders.

1955. Had they anything in their hands?—All the men had sticks in their hands, as well as I could see; the riders had.

1956. What did they do, or what did they say?—They challenged us, and asked who was the leader of the party I belonged to, and challenged him to fight.

1957. A sort of single combat at first was proposed?—Yes.

1958. After that what happened; was the single combat accepted?—Yes.

1959. Who was the man who accepted the challenge?—A man named Walter Cullinane, a voter that I had in charge.

1960. Did the fight end there?—No; they began to fight with sticks, and we jumped off the fence and tried to separate them, when volleys of stones came at us, and we had to charge them. Mr. Channer, with his police, charged them with bayonets.

1961. How long do you suppose this continued?—The parley was for about five or six minutes; we routed them in about a minute, I should think.

1962. Was anything said by those people with sticks in their hands, from which you could gather what their object was?—They said that they would not allow my party to stir; they were crying, "Down with the Tories," and abusing them in every way possible.

1963. Were any people on either side hurt?—No, none of my party were hurt.

1964. Were any of the others?—That I cannot say; they run away as fast as ever they could from us.

1965. You say that the police charged; had they their bayonets fixed?—With their bayonets fixed.

1966. Did any cars come up at any time to you from the direction of Kilkenny or Clonmel, so that you could move your voters?—Two cars escaped through the mob at Kilkenny and came up.

1967. How many voters had you at Lackandarra Lodge, about?—One hundred and one was the number I had to take charge of, but I did not muster them till two o'clock, until after the attack at Berry's Cross; I mustered them then.

1968. How many were there then?—I had then 42.

1969. Now as regards those 42, where did they stay that night, for the most part?—They went home.

1970. Did you say anything about their stopping the night with you, or was any arrangement made for the stopping at Lackandarra Lodge, or did any of them stop?—Yes; from what I saw of the way in which things were going on, I saw there was no use trying to get to Dungarvan, and I spoke to them and said that any of them that liked to remain with me could do so, but if they liked they could go home, that I had no conveyance to take them on, and that I would not risk their lives.

1971. How far is Lackandarra Lodge from Dungarvan?—Nine miles it is said to be by the road.

1972. You said that there were 42 voters with you, but you do not know the whole of them by name even, I suppose?—No, I am not sufficiently connected with the property to know all their names.

1973. Can you tell me whether Walter Cullinan was there?—Yes.

1974. Do you know a man named John Keefe?—Yes.

1975. Michael Magrath?—Yes.

1976. Thomas Murray?—Yes.

1977. Patrick Power?—Yes.

1978. Michael Power?—Yes.

1979. Thomas Power?—Yes.

1980. A second Michael Power, who lives at another place?—Yes.

1981. Another Thomas Power, who lives at Lackandarra?—Yes.

1982. A man named John Sheen?—Yes.

1983. Walter Wall, was he there?—Yes, I think so; I am not quite certain.

1984. Did any of those men, at the time of the attack, say anything to you as to whether they would go, or could go to Dungarvan?—Several of them were very anxious to go, and they were speaking to me saying that they were afraid to go unless there was a strong escort sent to me; when the Lancers came down they seemed very well pleased, and thought they would be able to get on.

1985. But when the Lancers came down, that was before there had been any fight with the mob?—Yes.

1986. At that time did they say that they would be willing to go on?—Yes, several of them said that they would be willing to go on, as the Lancers were come down to escort them.

1987. Then afterwards they said that they must have a stronger escort?—Yes, stronger than that of the 12th Lancers.

1988. After the attack, was anything said by any of those voters to you, as to getting to Dungarvan, or not, and what was said?—One or two in particular seemed very frightened.

1989. Could you name any of them?—A man named John Keefe.

1990. What did he say?—He said they would be murdered if they attempted to go on the road.

1991. Did any of the others speak to you on the same terms?—I forget, really, we were so confused at the time.

1992. And they went away home?—They went away home, one by one; I told them to go home if they wished; I would not endanger their lives by trying to take them to Dungarvan.

1993. Then did the police force remain at Lackandarra that night?—They did.

1994. How was that?—They were starting to proceed for Dungarvan, and they got down the avenue to a place where we found the mob had knocked

Captain *L. Keane.*

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knocked down the piers of the gates, and placed the gates all across the road; I then advised Mr. Channer to remain there that night, and he did do so, but I had to send messengers into Dungarvan, to Captain Barry, for permission for him to do so, which permission I got.

1995. I suppose a man went mounted?—A mounted farmer.

1996. You were just saying that the police stopped, and that a mounted messenger went to get leave for them; then, in the end, as far as you know, no voter went from the Chearnley estates to vote at Dungarvan?—No, I believe not.

1997. As far as you know?—Not one, as far as I know.

1998. Now there is a man here; did you see a man named Edward Brett?—I do not know him.

1999. Did you ever see this card, or one like it, up anywhere (*handing a card to the Witness*)?—I did.

2000. Where?—In the town of Lismore.

2001. In any other town?—No.

2002. In one place, or more places?—I saw it in two places in Lismore.

2003. When was that?—I forget the date.

2004. Before you went to Lackandarra Lodge?—Yes, a long time before.

Cross-examined by Mr. *O'Malley.*

2005. The Chearnley estate, as you call it, is at present under the Court of Chancery, is not it?—Yes.

2006. Do you know that it is the rule of the Irish Court of Chancery, that the tenants on their estates shall not be interfered with, in any way, with regard to their voting?—I am not aware of that.

2007. You are not aware of that?—I am not sufficiently knowing for that.

2008. Your wife was the sister, I believe, or a connection in some way, of Mrs. Chearnley?—Her sister.

2009. Where did you first begin to muster your voters?—At Lackandarra?

2010. Yes?—On Friday morning.

2011. You collected them round about?—They came in.

2012. Had you police with you?—No.

2013. No police with you?—No.

2014. Who assisted you in getting them in?—Mr. Orpen.

2015. Is he a bailiff on the estate?—Yes.

2016. You say that you mustered 101; where did you muster 101?—I did not muster 101.

2017. You were to have had 101; when did you ever see 101 voters collected?—I did not see 101 collected at all.

2018. You expected to have 101 to go with you to the poll?—Yes.

2019. And you never saw more than 42?—I saw more, but I only counted 42 at a certain hour; there were more earlier in the day.

2020. Your voters had not been at Berry's Cross; they had nothing to do with the Berry's Cross people?—No, and well for them that they had not.

2021. But all the voters that you ever saw together were 42?—Forty-two.

2022. Did you count them sufficiently in the early part of the day to know that there were more than 42?—I know pretty well what men are together.

2023. I suppose you do, but do you know by the look of the men whether they are voters?—Yes, all the people that I had with me that day were voters.

2024. All the people?—Yes, inside the Lodge.

2025. They were in the Lodge?—Yes.

2026. How many?—I could only count 42.

2027. You say that you think that there were more in the morning?—Yes.

2028. How many more?—I could not possibly say exactly.

2029. Were there 10 more?—There might have been 10, or 20, or 30.

2030. You are quite unable to say whether there were 10, or 20, or 30?—I wished to be accurate as far as the 42 were concerned.

2031. When you first counted your voters you had 42?—Yes.

2032. What time of the day was that?—After the attack at Berry's Cross.

2033. After you had heard of that you went to Berry's Cross?—No, it was not.

2034. What I wanted to know was, about the hour?—It was about two o'clock; perhaps not two; between one and two.

2035. How long did you keep them at Lackandarra before you dismissed them?—After that attack, as I mentioned before, I saw that there was no use trying to keep them there.

3036. How long did you keep them?—Perhaps half an hour.

2037. You tell me that in this attack not one was hurt?—Not of my party.

2038. And the other party were ignominiously put to flight in the course of half a minute, you told us?—We sent them away.

2039. About 150 men altogether?—I should say so.

2040. They were attacked by the police, and the police cleared them away. How soon after that great victory did you dismiss your voters?—Almost directly afterwards; I think a short time after that.

2041. Did you collect from the rapidity of the flight the certainty of their not being able to get on?—Yes.

2042. You thought that the rapidity with which the mob ran away indicated the danger of your voters getting on, so you dismissed them; did you not fear that it was no use trying to keep your prisoners together?—I had no way of getting them on.

2043. They had their legs?—You do not know the country as well as I do.

2044. I know pretty well what the country is, and what are the legs of these Irish peasants; and do you mean to say that nine English miles would have been too much for them to walk?—Yes, certainly; some of them are old men, and lame.

2045. You might have taken the lame, but there were a great many of them that were not lame. Now, do you mean to tell the Committee that a walk over nine English miles you thought too much for these peasantry to take, and that that was the reason?—Certainly I do.

2046. You thought that it was too far for them to walk; that you mean positively to assert?—It was never intended that they should have walked.

2047. You

2047. You mean positively to affirm that fact?—They might have walked it, I dare say.

2048. Had these peasantry that you had collected there horses and cars of their own?—They had at home.

2049. They might have gone on their horses and cars if they liked?—I suppose they might.

2050. Your messenger that you sent into Dungarvan after this went in safety, and returned in peace, I presume?—He told me that his reins were cut when he came back.

2051. Did you see his reins cut?—No, because he left his horse at home.

2052. Did he return?—He returned at eleven o'clock at night.

2053. Did he walk?—No, he told me that he rode.

2054. Did he walk from you?—Yes, but he took a horse from his own house, and went from there into Dungarvan.

Re-examined by Mr. *Mundell.*

2055. Tell me what the messenger said when he came back?

Mr. *O'Malley* stated that he had not asked what the messenger had said, but the witness had volunteered it.

2056. Mr. *Mundell.*] Did you see him when he came back?—I did.

2057. Did he make a complaint to you?—I cannot say that it was a complaint.

2058. He said something to you about his journey?—Yes.

2059. My learned friend put a question to you about when you arrived at the certainty of their not being able to proceed to Dungarvan; what circumstances led you to arrive at the conclusion of their not being able to proceed to Dungarvan?—

Mr. *O'Malley* objected to the question.

Mr. *Mundell* was heard in support of the question.

2060. (To the *Witness.*) Were there any other circumstances that led you to come to the conclusion that they could not get on, besides the rapidity of their flight?—Yes.

2061. What were they?—

Mr. *O'Malley* objected to the question, on the ground that it did not arise out of the cross-examination of the witness.

Mr. *Mundell* was heard in support of the question.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee were of opinion that the questions could not be pursued further than to elicit that there were other circumstances.

2062. Mr. *Mundell.*] You have told my learned friend that the voters themselves had cars; how many voters do you know, of your own knowledge, had cars?—I really could not say; I do not know them sufficiently to say whether they had cars.

2063. Do you know what description of cars they had?—No; I know a few of them had jaunting cars.

2064. So that you could not say how many of them had cars?—No; I could not.

2065. Do you know what sort of cars they were?—The old-fashioned Irish jaunting cars.

2066. By the *Committee.*] Were they cars of such a nature that they could get upon them and drive into Dungarvan?—Some of them might have been.

2067. Mr. *Mundell.*] You have also told my learned friend that you saw other voters earlier in the day; can you tell me whether those voters whom you saw earlier in the day were the same, or different from the 42 that you counted?—They must have been different.

2068. Are you able to say that?—Yes.

2069. When you spoke of the number of 30 more, whether they be 10, 20, or 30, could you say that the extreme number that you saw were different from the others?—Yes; certainly.

2070. My learned friend has asked you as to their being attacked by the police, and being dispersed; who went first, the police or your party, in attacking the mob?—The fight commenced between those two men first of all; the leader of that party and those voters, the man who singled himself out to go to him.

2071. But after that you tell me the police charged with bayonets; did they charge in advance of your party, or did your party and they go on side by side?—Side by side; I was on one side, and some were on the other side.

2072. Mr. *O'Malley.*] Had your party bayonets?—The police had bayonets.

2073. By the *Committee.*] Did the police receive orders to fix bayonets subsequent to the fight beginning, or were their bayonets fixed when the fight began?—Subsequently to the fight beginning; when the chief of the police, Mr. Channer, saw what was likely to take place, he ordered the police to fix bayonets when he saw a mob formed.

2074. Did you see whether the mob at all handled the police, and struck them with stones?—One man complained of having been hit with a stone in the leg.

2075. Previously to their fixing bayonets?—No; in a charge afterwards.

2076. But you saw no severity of treatment of the police by the mob before bayonets were fixed?—No.

2077. Did Mr. Channer say anything to the mob, to the effect that if they did not disperse he must order the police to fix bayonets and charge?—I heard him ordering them off the field, and desiring them to leave it; I cannot say whether he said he would fix bayonets at the time.

2078. But he addressed the mob, and warned them to go before he ordered the police to fix bayonets?—Exactly.

2079. At what hour that night, or the following morning, did Mr. Channer leave you to go to Dungarvan with the police?—Between five and six.

2080. Did they go on cars, or how?—They went on two cars, which escaped through the mob at Kilkenny.

2081. These two cars that brought up some voters from Kilkenny?—Yes; they remained at the lodge that night, and took the police in the next morning.

2082. Were any of the police hurt at this Lackandarra affair?—One man said he got a blow of a stone.

2083. But was he disabled from proceeding to Dungarvan the next day?—No.

[The Witness withdrew.

Mr. CHARLES ORPEN was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

Mr. *C. Orpen.*

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2084–5. WILLIAM ORPEN is your son, I believe?—Yes.

2086. Where do you live?—I live at Lackandarra Lodge, in the county of Waterford.

2087. Do you remember the morning of the 28th of December last?—I do.

2088. Where were you that morning; were you at Lackandarra Lodge on that morning?—I was.

2089. In consequence of information which you received, did you leave Lackandarra Lodge that morning?—I did.

2090. Did you walk or drive?—I went on a car.

2091. A side car?—Yes.

2092. Did you take anybody with you?—A young man of the name of James Whelan.

2093. Nobody else?—The driver of the car.

2094. What was his name?—James Murphy.

2095. Where did you go to?—I proceeded on in the direction of Kilkenny.

2096. Was that in the direction of the Chearnley estate?—Yes.

2097. Will you point out to the Committee where Kilkenny is?—(*The Witness pointed out the same to the Committee on the map.*)

2098. Then you started in the direction of Kilkenny, you say?—Yes.

2099. How far did you go in that direction?—I went about three and a half miles, I should say, from Lackandarra Lodge, more or less.

2100. Then you stopped?—I had to stop.

2101. What was the name of the place where you had to stop?—The town of Kilkenny; I stopped first to assist in removing some loose bog wood, which was placed across the road; I did not permit the cars to pass.

2102. That stopped you first?—Yes.

2103. What was the name of that place?—It is called Monaghree bog.

2104. Were there any people near that place, where you saw those roots across the road?—No.

2105. Then you removed the roots?—I assisted in removing some of them in order to let the car pass.

2106. And Whelan and Murphy assisted you?—Yes.

2107. Then you went on?—We did.

2108. How far did you go on?—Three quarters of a mile, I should say.

2109. And then what stopped you?—I was stopped by the mob.

2110. Were they on the road?—They were.

2111. Will you tell the Committee clearly and shortly what happened?—When I came up to the mob, I dare say there were about 60 of them mostly in white flannel waistcoats; they had bludgeons in their hands; they told me to go back when I came up to them, and I said I would not, and that I would go ahead; they said that I should go back, and I said I would not. I said, "I will give you a caution, I do not want to hurt a hair of one of your heads, but so soon as you meddle with this horse or car, or any person on it, I will shoot you down." I had a revolver in my hand at the time, and the mob then replied, and said, that if I did do that they had only one life, and that they would have the three of our lives.

2112. Did they say anything to you about which way you were to go?—No; I wanted to go on straight directly.

2113. Did they tell you to go back?—They wanted me to turn back, and said that I should not go ahead.

2114. Then what did they do to the horse?—They made several attempts to catch the horse by the head, and I called out to them to let go the horse, or we would fire on them; they kept going on that way for about 15 minutes, and they went the other side of the car from which I sat, except about six of them, and there was one fellow in front with a clasp knife, who cut the reins, and another fellow took them out of the driver's hands, and threw them on the road; I told the driver to come off the seat then, and take the horse by the head, and we struggled on; and after that there was another man came round and loosened the trace, and I told him to let go; but he succeeded in loosening the trace, and they called out several times to take the car and throw it over the fence, and when I was in the act of preventing the man from loosening the trace, there was another fellow came and struck me with his bludgeon over the eye, and several others struck me over the hands and head.

2115. That was not the end of it, surely?—They struck Whelan, and I saw them dragging and tearing the driver Murphy, and after that they hit the horse about the head with their bludgeons, and turned him round; I was then bleeding from the eye and from the hand, and when the men were striking at me with their bludgeons, I made a grasp at one of them and took it out of his hand, and I hit him with it.

2116. Did you knock him down?—I saw him struggling, in the act of falling.

2117. What did you do then?—I kept the bludgeon on the seat, and turned the horse round, and I asked the driver had he a rope reins, and he said he had, and I told him to tie it on quickly; and after that they began to throw stones, and James Whelan threw stones against them to keep them back, and they asked me to give them the stick, and they would do no more, and I threw the stick back to them again.

2118. The stick that you knocked the man down with?—Yes.

2119. That was the end of it?—They turned back to Lackandarra then; that ended the Kilkenny case that I was concerned in.

2120. Then you went to Lackandarra?—Yes.

2121. What time did you get to Lackandarra about?—I dare say it was about 12 or 1 o'clock; I did not look at the clock, it may have been more; I could not be exact about what hour I came back.

2122. Did anything happen to you at Lackandarra about three o'clock in the day?—There was a mob that came close to the Lackandarra Lodge.

2123. Were there any police at Lackandarra at that time?—I think the police were at Lackandarra at that time.

2124. Just tell the Committee, if you please, what happened then?—A mob collected; there were

were four persons on horseback, one of them I knew, and the others I did not well know.

2125. What was the name of the man that you knew?—His name was John Fitzpatrick.

2126. Where was he?—He was on horseback with three others; I heard some of the people say that one of their names was Edward Brett, but I could not well know him.

2127. By the *Committee.*] He was the only man you knew who was on horseback?—He was the only man I knew of the party who was there.

2128. Mr. *Bourke.*] What happened between the police and this mob that you have spoken about?—The mob, the leader of them, challenged one of the voters to go out to fight him.

2129. What was the name of that voter?—His name was Walter Cullinane.

2130. Is he one of the Chearnley voters?—He is. He jumped over the fence where the mob were, and I went after him, and Tom Whelan and James Whelan, and James Murphy, the driver of the car. I saw Captain Keane there in the same field, and the mob pelting with stones; and Mr. Channer, the sub-inspector, had to give the police orders to fix bayonets and charge.

2131. And they charged?—Yes.

2132. And the police stayed with you that night?—They did. Afterwards, when the police had gone to Dungarvan, we found the piers of the front gate broken down, and we thought it necessary to have the police there that night.

2133. Just listen to these names that I am going to read?—

Mr. *O'Malley.*] You must ask if he knows the names of any of the people.

2134. Mr. *Bourke.*] Do you know a man named Richard Broderick?—I do.

2135. Who is he?—He is a voter on Mrs. Chearnley's property.

2136. Did you see him that day?—I did, at Lackandarra.

2137. Do you know a man named John Coonahan?—I do.

2138. Who is he?—He is a voter on th Chearnley property.

2139. Did you see him that morning?—I did.

2140. Where did you see him?—At Lackandarra Lodge.

2141. I will read the names: Walter Cullinane, Edward Cullinane, James Cullinane, junior, Edward Cullinane, John Cullinane, Patrick Ducey, Maurice Frakar, Thomas Eleeson, John Hearne; do you know those?—I do.

2142. Do you know Thomas Hickey?—I do.

2143. There is another Thomas Hickey; do you know him?—Yes.

2144. And John Hickey?—Yes.

2145. John Keane?—Yes.

2146. Thomas Keane; do you know him?—Yes.

2147. John Keiffe; do you know him?—Yes. There is only one John Keiffe.

2148. Do you know Edmund Keily?—Yes.

2149. Michael Kirwan?—Yes.

2150. Do you know Thomas Magrath?—Yes, I do.

2151. And Michael Magrath?—Yes.

2152. And James Magrath; do you know him?—Yes.

2153. There is another Thomas Magrath?—Yes, I know him. There is one at Lackandarra, and another at Mountain Castle.

2154. James Mulcaby?—Yes.

2155. Thomas Murray?—Yes.

2156. Patrick Nugent, John O'Meard, Patrick Power, Michael Power?—Michael Power, of Licoran, is living; and there is another Michael Power, junior, of Lackandarra, he is living; and there is another Michael Power, and he is living.

2157. Thomas Power; do you know him?—Yes.

2158. Are these all voters upon the Chearnley estate?—They are.

2159. Did you see them that morning, or that day?—I saw some of them.

2160. You did not see them all that day?—No.

2161. Were some of them at Lackandarra?—There were.

2162. Can you give the Committee a notion of how many there were, as near as you can?—I counted 40 myself, and I saw some more outside on the road near Lackandarra Lodge.

2163. There were other tenants on the Chearnley estate there that morning, besides those that I have read?—There were some of what you read there.

2164. You say there were 40?—Out of that number.

Cross-examined by Mr. *O'Malley.*

2165. Out of the number that have been read to you, you could swear to 40?—If that is a list of voters I counted 40 voters.

2166. Did you make out that list?—Let me look at it.

2167. Did you make out the list?—I looked over it to-day.

2168. Do you mean to say that out of that list you could identify 40 who were there?—I was merely saying that there were 40 voters at Lackandarra Lodge. I can count nearly every one that was there.

2169. You say that you saw 40 voters there?—I counted them.

2170. Are you a bailiff on the estate?—I am.

2171. Under whom are you bailiff?—I am a bailiff on the estate.

2172. Under whom?—I cannot tell. I heard that I was appointed under the Court of Chancery.

2173. Who is the agent under whom you are; the receiver?—Mr. Fitzgerald is the receiver to the estate.

2174. Were you acting in obedience to Mr. Fitzgerald?—I got no directions from Mr. Fitzgerald.

2175. You know that the Court of Chancery does not allow its tenants to be interfered with, do you?—I do not know it; I got no caution about it.

2176. Did you not hear it?—No.

2177. Who was it that directed you to collect the tenants?—Mrs. Chearnley.

2178. By the *Committee.*] I should like to know how many registered tenants there are upon the Chearnley estate altogether?—A hundred and one; about that.

2179. Mr. *O'Malley.*] Where does Mr. Fitzgerald live?—He lives at Whitechurch House.

2180. How far is that from Lackandarra Lodge?—About eight miles, more or less.

2181. Was he in the country then?—He was.

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2182. The direction you were going in when you were met by these Whiteboys; that is what you call the men in white waistcoats?—I do not call them that; we mostly all dress in white flannel waistcoats.

2183. That is the ordinary dress of the people; they wear white flannel shirts in the district?—They do.

2184. And you were going in a direction away from Durgarvan at that time?—I was going in the direction where the voters were coming.

2185. Were you going in a direction away from Dungarvan?—I was.

2186. May I ask you this; in this *melée* in which there were so many blows exchanged, what became of the revolver?—I brought it back again.

2187. You did not fulfil your threat of shooting any of them, I hope?—I did not.

2188. Had you a revolver at all?—I had.

2189. And you exhibited your revolver, I suppose?—I kept it in my hand.

2190. Was it a revolver with several barrels?—I did not tell them that it was a revolver at all; I kept it in my right hand.

2191. I am afraid the peasantry are rather familiar with what a revolver is of late; but you held a revolver in your hand?—Yes.

2192. And you told them that you would shoot down the first man that meddled with you?—Yes, or our party.

2193. If they meddled with your horse or car?—Yes, I did so.

2194. You did so for the purpose of allaying their angry passions; did you know any persons in the mob in those white flannel shirts?—No.

2195. I ask you, upon your oath, did you not?—No.

2196. Will you swear solemnly that you did not?—Not one.

2197. Did you not know by their faces where they came from?—No.

2198. Do you mean to say that you did not know that they were residents upon that very estate?—I do not mean to say they were.

2199. Do you mean to say they were not?—I did not know any of them.

2200. You may not know them, but will you swear that they were not residents upon that very estate?—I swear that I did not know one man of them, and I did not know where they resided.

Re-examined by Mr. *Harris.*

2201. Was it after you had exhibited that revolver that they cut the reins of the horse?—It was.

2202. And did that which you have described?—Yes.

2203. By the *Committee.*] At what period of the day did you count these men at Lackandarra Lodge; was it the afternoon, or evening, or the morning?—The afternoon.

2204. What time in the afternoon?—I could not be very correct about the hour.

2205. But it was in the afternoon?—It was.

2206. Was it previously or subsequently to the arrival of the Lancers?—To the best of my opinion it was previously; but I am not quite certain about that.

2207. Before the arrival of the Lancers?—Yes.

2208. To the best of your belief it was before?—To the best of my belief it was before.

2209. Did you go to Dungarvan and vote at the election?—No, I have no vote.

2210. You are not a voter?—No.

2211. Have you ever been concerned in any contested elections before?—I was.

2212. On this same property?—Yes, on this same property, at the time that Mr. Hely Hutchinson was elected in 1852.

2213. And did you then collect the voters in the same manner?—I did; I assisted.

2214. Was Mr. Chearnley living at that time?—He was living at that time.

2215. The estate was not in chancery at that time?—It was not.

[The Witness withdrew.

Mr. William Orpen was called in; and, having been sworn, was Examined by Mr. *Harris*, as follows:

Mr. *W. Orpen.*

2216. Are you the son of the last Witness?—I am.

2217. Do you recollect Friday, the 28th of December last?—I do.

2218. Do you recollect your arrival at Kilkenny Gap on that morning?—I do.

2219. About what hour was it?—Eleven o'clock.

2220. Where did you come from?—From Clonmel.

2221. Were you in company with 26 cars and an escort of police?—I was.

2222. Under whose command was that escort of police?—Sub-inspector Channer's.

2223. Did you proceed to pick up the tenants on Mr. Chearnley's property, to convey them to Lackandarra Lodge?—Yes, they were on the road.

2224. Waiting for you?—Yes, waiting.

2225. How many of those voters did you take up?—I did not count them; something about 28, I think.

2226. Were there any others that you expected to be able to take up?—There were.

2227. How many?—Four.

2228. Did you send cars to the houses of those men for those four voters?—I did.

2229. After the cars had gone away, did you wait for their arrival for any time?—I did; I waited for about an hour.

2230. By the *Committee.*] Where?—At Kilkenny.

2231. Mr. *Harris.*] Did you observe any persons in the direction whence you expected those cars to come?—I did.

2232. About how many people?—Something between 50 and 60.

2233. Were they in the fields?—They were coming from the mountain on to the road where those cars were to pass by.

2234. Seeing these men in the fields coming from the mountain, I will not ask you what was said, but, in consequence of what was said, did you then move on your party?—I did.

2235. Then

2235. Then you say that you moved on with your cars and with the police?—Yes, I ordered them to move on.

2236. Shortly after having ordered them to move on, did you see any other persons appearing; did you see any men behind the fences?—Yes, I saw them inside the fences.

2237. By the *Committee.*] Then when the cars moved on you remained?—No, we did not go more than about a perch or two.

2238. Mr. *Harris.*] You stayed by the cars?—Yes.

2239. And having gone on a perch or two, you saw the men behind the fences?—I saw them there all along.

2240. How many men did you see there?—Fifty or sixty.

2241. Did they come from behind the fences?—No, they were to be seen there.

2242. By the *Committee.*] Were they the same men that were coming from the mountains?—No, they were different people altogether.

2243. Mr. *Harris.*] Did this party do anything?—Yes; after we had gone about a perch, they commenced to pelt the horses and cars.

2244. Did they come out upon the road after pelting from inside the fence?—Some of them did.

2245. What did they do?—They cut the reins and beat the horses on the heads with stones and sticks, and turned them back, some of them, and there were about six cars in front that made their way on with some of the voters.

2246. Did all, except those six cars, return in the direction from which you had come?—They did.

2247. Did the police, then, do anything?—The police were on the cars when the stones commenced to be thrown at first, and they got off the cars, and marched up along the road for about 100 yards, and I went to Sub-inspector Channer and told him that if he fired a few blank cartridges at the mob they would disperse; but he said, "I cannot do that, but I will order the men to prime and load," which he did.

2248. By the *Committee.*] Did you say to load?—Sub-inspector Channer gave instructions to his men to prime and load.

2249. Mr. *Harris.*] Who was the leader of that party, so far as you could see?—Martin Keane.

2250. Where does he live?—At Knocknarray.

2251. Where did he go to, and what did he do?—I saw him get over the fence and call out to the mob, and told them, and said, "Don't touch these men, but be at them," pointing to the voters.

2252. Who did he mean by "these men"?—The police.

2253. "But be at these;" who did he mean by that?—He was pointing to the voters.

2254. Where did the police then go?—They kept the road; they marched up and down for about 100 yards, about four times.

2255. With the exception of the six cars, had the voters returned towards Kilkenny?—They went back.

2256. What became of the six cars that you spoke of?—They came up to a high place called Kilkenny Gap.

2257. Were you then on the ascent of a hill?—No, we were down in the valley.

2258. But you were going to ascend the hill?—We were.

2259. Did the six cars come as far as Kilkenny Gap?—They did.

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Mr. *O'Malley* objected to these as being leading questions.

2260. Mr. *Harris* (to the *Witness*)]. How far did the six cars get?—They got about a quarter of a mile, and something over; and when the cars got on to the height they remained there until the attack was mostly over, and there was a party of the mob running up the hill to intercept them; they were running up the hill when Martin Keane called them back.

2261. And what occurred then?—All the voters were driven back; all the voters that did remain with the exception of those who came up the height and arrived at Lackandarra; the whole of them.

2262. What became of the six cars you have spoken of?—They arrived at Mrs. Chearnley's Lodge at Lackandarra, where the voters were to meet.

2263. That was where you were to meet Captain Keane?—Yes.

2264. Afterwards did you leave these men at Lackandarra Lodge?—No; I stopped with the police, and when they saw the mob running up towards them, they drove on as fast as ever they could, to get into Lackandarra before us.

2265. Do you recollect your arrival at Lackandarra?—I do.

2266. Did you go on to Berry's Cross from Lackandarra?—No, I went on to Berry's Cross from Kilkenny.

2267. You had not gone up to Lackandarra Lodge yourself, had you?—No.

2268. When you got to Berry's Cross what o'clock was it?—One.

2269. And did you find anything occurring there?—No; when I arrived within 100 yards of Berry's Cross Sub-inspector Channer was with me, and I got off the car, and I went on to see Mr. Warburton, who was the magistrate in command of the troops, and when I got to the Cross I just laid my eyes on Mr. Warburton, and at the same time there was an attack made on the Carabiniers.

2270. Did you see that attack?—I did.

2271. Did you see any stones flung?—I did.

2272. Where from?—From inside the fences by the mob.

2273. Did you see the voters who were on the cars?—I did.

2274. What were they doing?—They were running away.

2275. You have spoken of Martin Keane as being a person who appeared to be the person leading that mob; you say that he lives at Knocknarray?—I cannot say for certain whether he lives at Knocknarray, but I am informed so.

2276. Do you recollect the names of those persons who were under your charge that morning?—Some of them.

2277. I will just ask you a few of the names; was Thomas Hickey with you?—He was.

2278. Was James Mulcahy with you?—He was.

2279. Anthony Power?—He was.

2280. Was William Power?—Yes.

2281. Was Richard Power?—He was.

2282. Was Edmund Power?—He was.

2283. Was William Wheelan?—He was.

2284. Are all those persons tenants of the Chearnley property?—Yes.

2285. And voters?—Yes.

2286. You

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2286. You believe them to be on the register?—Yes.

2287. Did any of those persons come to Dungarvan?—Not to my knowledge.

2288. Are their lands all in the barony of Glenaheiry?—I cannot say.

2289. Did you go to Lackandarra Lodge at all upon that occasion?—Not until the evening after the attack had been made at Berry's Cross; I had to get into a house.

2290. Did you go to Lackandarra Lodge in the evening?—I did.

2291. Were you there at the time the police had a conflict with the mob outside Lackandarra?—I was not.

2292. You did not arrive till after that?—No.

Cross-examined by Mr. *O'Malley.*

2293. So you wanted the police to fire upon the mob?—I wanted the police to fire a few blank cartridges.

2294. Did you not ask them to fire upon the mob, upon your oath?—I asked them to fire a few blank cartridges.

2295. Did you not ask them to fire upon the mob?—I asked them to fire a few blank cartridges, not ball cartridges.

2296. Did you say a word about blank, or ball, or anything else; but did you not say to fire upon the mob?—I said blank cartridges.

2297. Did you not know that the police had orders never to fire blank cartridges?—I did not know it at the time.

2298. You did not know it?—No.

2299. Was it upon your saying "fire blank cartridges," that they began to load?—They got orders from Mr. Channer, the sub-inspector.

2300. Did they charge at all?—They were ramming home cartridges; I saw them putting in the cartridges.

2301. Did they charge with their bayonets?—No.

2302. By the *Committee.*] Were their bayonets fixed?—They were.

2303. Mr. *O'Malley.*] And did they keep walking up and down merely?—They did.

2304. I see that here, as elsewhere, the first people to run away were the voters; the voters ran away at once, did they not?—No, they did not.

2305. Did they stick to their cars?—No, they stuck to their cars at first, and they got up to a farmer's house, named Mulcahey.

2306. Where did they go after that time?—They were driven away.

2307. Where did they go?—I could not see them after that.

2308. Are you the bailiff of that estate?—No.

2309. Are you employed upon that estate?—Not at all.

2310. What are you, may I ask?—At present I am nothing.

2311. Are you a waiter upon providence, looking out for a situation?—Yes, something of the kind.

2312. Have you got the promise of one?—I have.

2313. Where?—In Waterford.

2314. Since the election?—No.

2315. Will you swear that you did not get that promise since the election?—No, it was a bit previous to it.

2316. How long before the election?—I should say something about a month.

2317. Will you swear you did not get it within a few days of the election?—I could not exactly say that.

2318. Did you not get a promise, if you would bring up those tenants of Mrs. Chearnley to vote?—I did.

2319. You got the promise of a situation?—I did not; I beg to contradict that.

2320. Explain youself?—I do not understand the question.

2321. Explain yourself?—I was not made a promise of anything to bring up those voters.

2322. You were not?—No.

2323. When did you get the promise?—About the situation?

2324. Yes?—Some time in September, I think.

2325. You told me you would not swear that it was not within a few days of the election?—It was some time before, to the best of my knowledge.

2326. Was it the same time you were asked to bring up the voters?—It was previous, to the best of my belief.

2327. You will not swear that you did not get the promise at the same time that you got the request to bring up the voters?—It was not at the same time.

2328. Which was first?—I think the promise of getting the situation was first.

2329. You knew the getting the situation depended on what you did at the election?—No.

2330. Nothing of that kind?—Nothing of that kind.

2331. Who made you the promise of getting you the situation?—Lord Waterford.

2332. Personally?—Not personally.

2333. Who communicated that promise to you?—Sir John Keane.

2334. Sir John Keane is a great supporter of Captain Talbot?—I believe so.

2335. You know it; is he not the brother of the gentleman who has been examined here?—He is.

2336. Did you know the persons in the mob that you met?—I knew them by eyesight, but not their names; I had an idea.

2337. They were people on the estate?—Not to my knowledge.

2338. Will you swear they were not?—I saw some of the people of the estate there.

2339. In the mob?—No.

2340. Will you swear that in the mob there were not people of the estate?—No; with the exception of one that I knew.

2341. Will you swear that there were not several persons whom you knew to be persons on the estate in the mob?—I will not.

2342. Will you swear that there were not persons of the families of the tenants in the mob?—I will not.

Re-Examined by *Mr. Harris.*

2343. You have said that Sir John Keane is the brother of Mr. Leopold Keane?—Yes; he is.

2344. Mr. Leopold Keane is very frequently with your father?—He is.

2345. And it was through his friendship that you obtained this promise?—It was.

2346. By the *Committee.*] You have stated that you saw two mobs; was that so; one coming from the mountains, and another mob, not the same men, behind the fences?—That is so, but the

the mob that I saw coming down from the mountains I was told was a mob of Mr. De La Poer's men.

2347. How far from you was that mob?—I should say about half-a-mile.

2348. Amongst the men who were behind the fences, the mob consisting of 50 or 60, did you see any one that you knew?—In the mob?

2349. In the mob that was behind the fences at Kilkenny?—I did.

2350. Many?—Two.

2351. Where do they reside?—One of them in Knocknarray, I am told, Martin Keane.

2352. And who was the other?—Hearn; I do not know his Christian name.

2353. And did you see any other man that you knew?—Yes, I saw some of them that I knew by eyesight.

2354. Were they men that lived in the neighbourhood?—I could not say.

2355. Did you know them only by eyesight, and not know where they resided?—Yes.

2356. Do you know their names?—Only of those two.

[The Witness withdrew.

Mr. *W. Orpen.*

29 March 1867.

Captain JOHN CAVENDISH ORRED was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

2357. I BELIEVE you are a Captain of the 12th Lancers?—I am.

2358. In the month of December last were you stationed in Dungarvan?—I was.

2359. And on the 28th of that month, in consequence of the orders which you received, did you leave Dungarvan?—I did.

2360. In what direction did you go?—In the direction of Berry's Cross.

2361. When you left Dungarvan, were there any police with you?—There were just at first.

2362. Where did the police leave you?—They left us at the junction of the Clonmel and Dungarvan, and Lismore and Dungarvan roads.

2363. Did they go towards Cappa?—They did.

2364. I believe you then proceeded on towards Berry's Cross?—I did.

2365. And you then came to a farm-house?—Yes.

2366. Did you see anything particular on your arrival at the farm-house?—Yes, there was a large crowd at either side of the road.

2367. The police left you to go down a road towards Cappa?—Yes.

2368. And then you went down along the road towards Berry's Cross, and you came to a large farm-house?—Yes, a large farm-house, about a mile short of Berry's Cross.

2369. And at that farm-house you saw a mob?—A mob on either side of the road.

2370. Did that mob do anything to you?—Yes, they did; they stoned us.

2371. I suppose you were walking along at the time?—At the time I was, until they commenced stoning; and then sounded the trot, to get away from them.

2372. By the *Committee.*] Of how many did this mob consist?—Between 30 and 40, I should say.

2373. Were they all men?—Yes, the greater part of them, certainly.

2374. Mr. *Bourke.*] Did they follow you up to Berry's Cross?—They did afterwards.

2375. And when you arrived at Berry's Cross, I believe you met Captain Betty?—Captain Betty of the Carabiniers.

2376. Will you tell the Committee what happened at Berry's Cross after you met Captain Betty?—First of all, I asked Captain Betty when I was to move off with the voters that he had in his charge for Dungarvan, and he informed me that I was to wait till Mr. Channer, the sub-inspector, who had gone out to bring in some other voters, arrived; I consequently asked if I might dismount my men, and he said, "Yes." I therefore dismounted my men, and left the serjeant-major in charge of the party, with orders that if this mob that we had met at the farm-house was to follow up the party, he was to let me know at once. In about a quarter of an hour the serjeant-major said that the mob was coming down the road; and as soon as I heard that, I ordered the men to mount, and formed them completely across the road. The mob came up, and jumped into the banks and into the fields on either side of the road. They came up, calling out, "Down with the Tories," and brandishing large shillelahs. They did not interfere with me then, but passed on to the rear of the column of voters. A short time afterwards, a little boy brought up a note from Captain Keane, at Lackandarra Lodge, requesting that I should go and escort some voters that he had with him; and I wrote back that I could not stir without a requisition from a magistrate. Then, about two or three minutes after that, Captain Coote came up, and said I must go down to Lackandarra Lodge with him; and I went about, and went down the road to Lackandarra Lodge. The moment we moved off, the crowd closed in on either side of the road and in the fields, shouting, "Go back, for your lives." "Down with the Tories." "We will have no Tories here." I paid not the slightest attention to what they said, but sounded the gallop; and the moment I did so they stoned us. I myself was struck, and one man was struck on the kneecap, and nearly fainted and dropped his lance; another man was struck on the breast, and nearly knocked off his horse; but fortunately we got to the Lackandarra Lodge without any of the men being knocked off their horses; and when I got to Lackandarra Lodge, Captain Keane informed me ——

Captain *J. C. Orred.*

Mr. *O'Malley* objected to any statement of this kind.

2377. Mr. *Bourke.*] Do not mention what Captain Keane mentioned to you; but in consequence of what Captain Keane said to you, what did you do?—Finding that they could not bring back the voters, seeing there were no cars there, I told Captain Coote.

2378. Mr. *O'Malley.*] Tell us only the things done; what did you do?—I loaded my pistols.

2379. By the *Committee.*] Did Captain Coote, the stipendiary magistrate, accompany you from Dungarvan?—Yes.

2380. He accompanied you from Berry's Cross to Lackandarra?—Yes.

2381. Did you receive any orders from Captain Coote at Lackandarra?—He wrote me out another requisition. First of all he wrote me out the order to act, should I go back to Berry's Cross,

Captain *J. C. Orred.*

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Cross, as I said I would not unless he did, the conduct of the mob having been so outrageous. We were just starting back from Berry's Cross when a mounted orderly came in, stating that Mr. Channer had been attacked in the mountains, and then Captain Coote gave me another requisition to go and meet Mr. Channer. I proceeded on the road and met Mr. Channer, and found that his voters had been taken from him.

2382. Mr. *O'Malley.*] That you do not know?—He told me so.

2383. By the *Committee.*] You met Mr. Channer?—I met Mr. Channer.

2384. And did he return with you to Berry's Cross?—No, he went to Lackandarra Lodge, to the best of my belief. I returned to Berry's Cross and met Captain Betty without any voters, and then finding that he had no voters, Captain Coote said that we were to go back to Dungarvan by another road, which we did, and about, I suppose, three or four miles from Dungarvan I came upon two barricades, and Captain Coote, myself, and the mounted orderly, went forward, and told the people who were there, the crowd who were at the side of the road, to remove those barricades at once, or that the men would be ordered to act. They did so, and I proceeded into Dungarvan and got there about five in the afternoon.

2385. Mr. *Bourke.*] What was the conduct of the mob during the whole of the time that you have been speaking about?—Most outrageous.

2386. Were you at Dungarvan the next day?—I was.

2387. What was the condition of the town on that day?—It was in a riot from morning till night.

2388. Were you on duty that day?—I was.

2389. Did you see any particular placard that day?—Yes, there was a large placard stuck up opposite the Devonshire Arms, headed "Black sheep."

2390. You saw that placard?—Yes, I saw it.

Mr. *Bourke* stated that this was not the green placard.

2391. Mr. *Bourke.*] Can you describe the general conduct of the mob in Dungarvan that day; did they throw stones?—Yes, they threw stones.

2392. Did you see them throwing stones?—Yes, I saw them throwing stones in the square in the morning as I was coming in from the poor-house, and in the afternoon, as I was coming in from the direction of Stradbally.

Mr. *O'Malley* objected to this as not having been opened sufficiently in detail, to enable the learned Counsel to go into these particulars.

Mr. *Bourke* was heard in support of his line of examination, and stated that it had been opened in considerable detail.

Mr. *O'Malley* stated that he would raise no objections if the questions were confined to the particular charge of the Lancers, which caused loss of life in Dungarvan.

2393. Mr. *Bourke* (to the *Witness*).] Were you on duty at Dungarvan on the day of the polling?—I was.

2394. What time of the day did you come on duty?—Half-past seven in the morning.

2395. Was there a mob at that time?—No.

2396. When did the mob commence to assemble in the town?—The first mob I saw was when I came in, as I said previously, from the direction of the poor-house with some voters.

2397. What time was that?—About half-past 10.

2398. Was that about the time?——

Mr. *O'Malley* further objected to these questions.

Mr. *Bourke* was heard in support of his questions.

Mr. *O'Malley* was heard in reply.

Mr. *Mundell* stated, that he had in his opening speech said that the public square of Dungarvan had been twice cleared.

The Chairman stated, that the Committee could not undertake to say that the learned Counsel had said that the public square was twice cleared, although he had mentioned the disturbed state of the town of Dungarvan, but that he might give particular evidence as to this transaction, and general evidence as to the disturbed state of the town of Dungarvan.

2399. Mr. *Bourke* (to the *Witness*).] Was the town in a very disturbed state?—It was.

2400. All the day?—Yes.

2401. Were you present when your regiment was called upon to act?—I never heard an order given to act; I was in the rear of the column.

2402. But they did act?—Some men galloped down the quay.

2403. Will you have the kindness to state, if you please, that transaction which took place when some man charged down the quay?—I will.

2404. By the *Committee.*] Did you see it, and were you present?—I saw some men going down the quay; they galloped down the quay.

2405. Mr. *Bourke.*] What time of day was that?—Between half-past one and two.

2406. Do you know Mr. Orme Malley?—No, I do not.

2407. Did you see any voters come into the town about that time?—I escorted them in myself.

2408. Where from?—From Stradbally.

2409. What time of day?—I went down about half-past 12, and returned about half-past one.

2410. How many did you bring in?—About from 180 to 200.

2411. When you got to the town of Dungarvan, what happened?—Two or three miles short of the town, I sent the sub-constable to request that the officer commanding the troops would send me a reinforcement, as I did not consider my party was sufficiently strong to bring these 200 voters into the town.

2412. How many did your party consist of?—Twenty-eight men; consequently when we got to within about a mile of the town we took all the voters out of their cars, and formed them up in a body. By the time they had been formed up, another troop, under Captain Lecaine, joined us; they formed up in front of the voters, and I formed up in the rear.

2413. How many rank and file were there?—Twenty-eight.

2414. But the troop that came up?—I cannot inform you.

2415. Were they more than yours?—I should say about the same number. Then, when we got still closer to the town, the Abbey side, we were met by a company of the 67th, under Major Lennard, and they formed up on either side of the voters, and there was some constabulary as well.

well. We proceeded on across the causeway until we reached the bridge. When the leading troop of Captain Lecaine's got on to the bridge I saw some men wheel to the right and left, and the voters passed on. Stones were thrown at the leading troop and at the voters, and were continued to be thrown until I got to the bridge myself, and just as I got on to the bridge I saw the man, who had wheeled to the right, get down to the other men, Major Wombwell following; I, not knowing what had become of Major Wombwell and his men, brought down my troop in support. Then the Major sounded the assembly, and the men came back, and we came back as far as a place called Linney, where there were a lot of people, and these people were ordered to leave Linney, and we went back and formed up in front of the "Devonshire Arms" Hotel.

2416. Mr. *Bourke.*] Is that in the public square?—It is between the bridge and the public square; it is exactly opposite the court-house.

2417. What became of the voters you were escorting?—They got in safely.

2418. During this time did the mob pelt the soldiers?—Oh, yes.

Cross-examined by Mr. *Waters.*

2419. You and I have had the pleasure of meeting before?—If we may call it a pleasure.

2420. You saw some of those people on the road near a farm-house a mile short of Berry's Cross?—Yes.

2421. And some stones were thrown?—Yes.

2422. But that does not appear to have been a very severe engagement?—Not nearly so bad as what I saw afterwards.

2423. There were not many stones thrown at you, were there?—A good many were thrown, and some of the men were struck.

2424. By the *Committee.*] When you passed the farm-house the stipendiary magistrate was with you?—Yes.

2425. Mr. *Waters.*] You did not halt there but went on at once?—Yes.

2426. And having dismounted at Berry's Cross, how long did you remain dismounted before you got the message from the serjeant major?—From 10 to 15 minutes.

2427. And during that time there was no violence offered at all?—No.

2428. Had the escort of the carabiniers and the voters arrived at Berry's Cross when you came there?—They were there.

2429. And were drawn up, I suppose?—And were drawn up.

2430. I think we may leave all the rest of that transaction. You said something about this: was it there you said that some of the resident magistrates went to the people and said that if the people did not go away the troop would be ordered to act, or where was it?—No, it was within two or three miles of Dungarvan, going by the other road.

2431. Where you met the barricades?—Yes.

2432. What was that?—The road was by the side of a hill, a regular zigzag, and when we came round the hill the second turn, we found a barricade of rocks and boulders that had been rolled off the hill and piled across the road. It was then that the captain and myself and this constable, whose name was Donelly, rode forward and ordered them to take this barricade away, which they did. Then the next turn we came to we found that a couple of field-ploughs had been placed across the road, covered with furze.

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2433. You know that the Irish peasantry are very fond of field sports, and they wished to see how you would take them flying?—It did not seem like it.

2434. You refused to try the mettle of your horses?—It was not my duty to do so.

2435. And they removed them when they were ordered, did they not?—They did.

2436. Going to Dungarvan you were at the rear of the procession?—In front of my troop.

2437. But Major Wombwell, with Captain Lecaine's troop, was in the front?—In the front, with Mr. Green, the resident magistrate.

2438. Then came the voters, and then came your troop in the rear?—Yes.

2439. The procession, as I understand, extended for a considerable length across the causeway there, did it not?—I should say that when the front troop had got on to the top of the bridge it was a good half way over the causeway.

2440. That would be very nearly 400 yards?—Hardly that.

2441. Two hundred and fifty or 300 yards?—It is quite within sight; I might say 200.

2442. Major Wombwell and Mr. Green were at the head of the procession?—Yes.

2443. You recollect Major Wombwell and Mr. Green being examined?—Yes.

2444. And do you recollect their saying that at the bridge, when they reached it, they had a free passage through the people?—No, I could hardly fancy their stating so; because if that was the case, why should the soldiers have been ordered to wheel right and left to put the people back.

2445. Do you recollect whether they had, as a fact?—No, I cannot.

2446. At any rate no stones were thrown till the leading troop had passed the bridge and come down in front of the people, and until they had divided on each side?—That, I believe, was the case.

2447. And it was when the troop had divided on each side that the stones were first thrown?—I will not swear that.

2448. Will you just inform the Committee as to the position of the places there; the court-house, I believe, was the polling place?—It was.

2449. And it is immediately at the bridge?—No, it is some little distance from the bridge.

2450. And you had arrived at the bridge, and the voters were brought in perfect safety into the polling place?—The voters got in.

2451. Would you say that there was any attempt to take away the voters?—There was great violence used; I do not know what the people threw stones for if it was not to get the voters away.

2452. Was not the place where the stones were thrown from enclosed by an iron railing?—Only part of it; I myself was struck by a stone which came from close by the court-house.

2453. Was not the place where the majority of the stones were thrown from enclosed by an iron railing?—No, I should say not.

2454. Was there the usual crowd that there is upon these occasions?—No, it was greater than the usual crowd; I have seen a great many elections, but I never saw a crowd like that.

2455. There is a space there entirely enclosed by railings, is there not?—Yes.

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2456. To the right-hand side as you come over the bridge?—Yes.

2457. Is it not the fact that the great majority of the stones came from that place?—No; I was asked that question at Dungarvan, and I said that as many stones came from the left as from the right.

2458. But those people could not have had the intention of getting at the voters?—I did not ask them what their intentions were.

2459. The gates were shut?—Yes.

2460. Were they broken up?—I cannot say.

2461. Were they locked or not?—That I cannot say.

2462. Then what occurred on the quay was after the voters had got safely into the polling place?—The voters had gone on, but I cannot say that they had got to the voting place.

2463. The voters had passed on in safety before what had happened on the quay took place?—Yes.

Re-examined by Mr. *Mundell.*

2464. In what respect was it that this crowd differed from what you had seen at other elections?—As being much more violent.

2465. By the *Committee.*] Do you speak of Irish elections?—Yes; I have been at five in less than two years.

2466. When you received orders from Captain Coote to go to Mr. Channer's assistance, did you meet with any molestation from anybody?—No, not then.

2467. When you left Berry's Cross to march back by another road to Dungarvan, were you followed by any crowd?—No, I had not got to Berry's Cross; I met the carabiniers a mile short of Berry's Cross.

2468. But when you were ordered to return to Dungarvan by another road, were you followed by any mob?—No; but Berry's Cross, where the mob was, was about a mile further on.

2469. But you were ordered to march back to Dungarvan, without returning to Berry's Cross, after you had met Sub-inspector Channer?—And the carabiniers; Captain Coote said he thought it would be safer.

2470. I understood you to say, in answer to the learned counsel, that when you arrived at this zigzag road, where the barricades were, you found many people?—Yes.

2471. Were they men, women, and children?—No, men.

2472. How many do you suppose?—I should say again, about 30 or 40.

2473. Did they, in any way, offer you molestation?—No; they only shouted the usual cries, "Down with the Tories," and so on.

2474. And I understood you also to say that they assisted in removing the barricades which were in the road?—Yes.

2475. And I understood you also to say that when the voters came along the causeway and over the bridge at Dungarvan, there was a troop of your regiment in front, that you commanded the rear-guard, and that there were some police, and on each side some of the 67th Regiment?—Yes, that is so.

[The Witness withdrew.

Mr. *Mundell* stated that the evidence of the next Witness would have reference to the Cappa riot.

Richard Keane, Esq., was called in; and, having been sworn, was Examined by Mr. *Mundell*, as follows:

R. Keane, Esq.

2476. Where do you live in the county of Waterford?—I live at my father's place at Cappoquin.

2477. You live at Cappoquin?—I live in Liverpool; but when I am staying in Ireland, I stay with my father.

2478. At the time of this election, were you staying at your father's house at Cappoquin?—Yes.

2479. Were you there at the time of this last election in Ireland?—Yes, I was.

2480. On the morning of the Friday before the polling at Dungarvan, were you engaged in bringing up voters from a cross road there, called Boherevoheragh?—I was.

2481. That is a place very near the edge of the Dungarvan polling district, near Cappoquin?—Yes.

2482. Were you, at about a quarter to 12 in the morning, at that cross road?—Yes, a quarter to 12.

2483. Had you any cars with you?—Yes, six cars.

2484. How many voters were there on them?—Twenty-three.

2485. From what district did those voters come; from whose estates?—They came from my father's, Sir John Keane's estates, and from Judge Compton's and Mrs. Green's, I think, the others came.

2486. Do you know the names of those voters, or any of them?—Some of them.

2487. Mr. *O'Malley.*] Have you any acquaintance with the voters?—I am acquainted with all my father's tenants.

2488. Mr. *Mundell.*] Were you escorted by any constabulary with those cars?—There were 13 constabulary.

2489. And did you go with those 13 constabulary, and those six cars, as far as Rockfield?—Yes.

2490. How far is that from the cross roads that you have spoken of?—Three-and-a-half, or three miles, thereabouts.

2491. What time did you get there?—About 20 minutes past 12.

2492. Did any cars come up at that time from another direction?—Yes, three.

2493. Did they come up quickly, at speed, or how was it?—At speed.

2494. Driving fast?—Yes.

2495. From what direction did they come?—They came from the direction of Cappa.

2496. And did the car drivers tell you something about what had happened to them; do not tell me what it was?—Yes, they did.

2497. Upon your getting that information from those car drivers, did you halt your cars?—The cars were halted before.

2498. Did the constabularly do anything?—The constabulary loaded and fixed bayonets; they loaded with ball cartridge.

2499. Were you to meet a troop of cavalry at any

any place?—We were to have met a troop of cavalry at Cappa, at two o'clock.

2500. And how far would Rockfield be from Cappa?—About a mile.

2501. And what time did you start from Rockfield and go on to Cappa?—About a quarter past one.

2502. Before you started had any other cars come up from the direction of Mondeligo?—Yes.

2503. How many cars were there?—I think there were three.

2504. Do you know a man of the name of John Prendergast?—That was the first time I ever saw him.

2505. Was there a man with them whom you knew then by the name of John Prendergast?—*No answer.*

2506. Mr. *O'Malley.*] Do you know now that it was John Prendergast?—I have heard him called so.

2507. Have you heard him called by that name?—I cannot say that I have.

2508. Mr. *Mundell.*] Some cars came up from Mondeligo, did they not?—Yes.

2509. Did they halt and then go on with you all together?—Yes, they did.

2510. Had they any constabulary with them?—None.

2511. Do you know, of your own knowledge, whose tenants were upon those cars that came from Mondeligo?—No, I do not.

2512. Was there a mounted messenger sent on?—Yes, I sent on a mounted messenger.

2513. With directions to go to what place?—With directions to go to Cappa, and bring me back word of what was going on there.

2514. Did he go and come back?—He went and came back.

2515. And made a communication to you about what was going on at Cappa?—Yes.

2516. At what time did you go on with these other cars; there were six of your own and six from Mondeligo; did you go on towards Cappa Cross?—We went on towards Cappa Cross about a quarter past one.

2517. And when you got within 200 yards of the police barracks there, did anything happen?—Yes, we were confronted by a furious mob.

2518. Of how many did that mob consist?—I should say from 150 to 200 men and lads, but women besides.

2519. But when you give the number you speak of men and lads?—Yes.

2520. Did the men preponderate, or did the lads preponderate?—The men decidedly.

2521. Were they armed or unarmed?—They had sticks, nearly all of them. I saw several with stones in their hands when we came up.

2522. What did those men do; where did they put themselves in the road?—Some formed a line right across the road, and some got behind the hedges directly on our arrival, and we were compelled to halt.

2523. You say they were behind the hedges; were the men in front of the line across the road or behind the hedges?—Directly we came and were obliged to halt, these men came down in front of us to get on our flanks.

2524. When they were all behind the fences and on the flanks, what did they do to you?—When we appeared determined to get on, they immediately began stone throwing at the voters, and discharged volleys of stones.

2525. You say that they threw stones; did they come singly or in showers?—At first they came singly, and I should say that after two minutes they began to fall very thick, especially about the cars; I could hear them rattling on the cars.

2526. Can you tell me whether anything was said by these men at the time of this attack?—Yes.

2527. Could you hear?—Yes.

2528. What did they say?—"If you do not go back you will be killed;" and, "We will have your blood," or words to that effect; "If you do not go back."

2529. Did they say what you were to go back for?—No; they said, "Go back, go back, or you will be killed;" and they used very bad language.

2530. You speak it in a gentle tone here, but I suppose they did not speak it gently?—They were very much excited with liquor, and exceedingly riotous.

2531. You say that they had sticks; did you see them use them in any way?—Yes, I saw them strike two of the police with sticks, and stones flying all the time.

2532. Did they brandish the sticks?—Yes, all the time, over the heads of the police, and over our heads.

2533. Where were the constabulary?—At the time we saw the mob there were eight in front and five in the rear; and when we came up to the mob we ordered them to go from the rear to the front, and with the 13 men formed a line across the road.

2534. What did the constabulary do?—They resisted the mob as well as they could.

2535. Did they say anything about what their intention was, or how did you gather it?—By their acts.

2536. What acts did they do by which you gathered that; did they come up to any of the cars?—They said "Go back;" they told us to go back in very violent language.

2537. Did they get anywhere near the cars?—Yes; one man took hold of the bridle of the horse in the first car, which was an empty car, the one I had been sitting in; I got off as he took hold of the bridle, and told him to let go; he said he would not, and then he began to attack me.

2538. What did he do then?—He brandished his stick over me, and I had to defend myself with a black thorn stick which I had, and then the police came and kept him off, and I had time to attend to other things.

2539. Were there any other attacks?—Yes; there was a long car that was there, and I saw stones showered about that.

2540. Did any of the mob get near to that car at all?—They were on both sides of the road, behind the hedges, throwing stones at it.

2541. But in the road itself none touched the car?—I did not see it.

2542. The cars were in single file?—The cars were in single file.

2543. Those were the two first cars?—No; the long car was about the fourth.

2544. As to the other cars, were any of the horses of the cars touched by any of the mob that you saw?—I saw one car seized by the mob, but that was at a later period; I cannot say that I saw the horses touched.

2545. You say that they touched the car at a later

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later period, what did they do to it?—There was nobody in it, and they seized it, and the horse got out of it, and they broke it into bits.

2546. How long do you suppose elapsed between their first forming across the road and their managing—did they break up the car?—They were breaking up the car nearly all the afternoon; when they had nothing else to do they turned their attention to that, but the horse got clear of the shafts, I should say, in about six minutes.

2547. As far as you know, was anything else done to harm any of the other cars?—I saw and heard stones hitting the cars; I could hear quite well on the sheet iron of the outside of the cars, and this was all accompanied with the cries of "Go back."

2548. What did the drivers of the other cars do?—As soon as the stone throwing commenced, and as soon as the line of police got broken through, these other cars turned; they had great difficulty in turning; we got all surrounded all the time stones were being thrown.

2549. You say "we got all surrounded," what do you mean by that; who was surrounded?—The police got separated from the cars, and the mob got between us and the cars after a short time.

2550. How many cars did the mob manage to get round?—I can hardly say they got round any, because they did not get in the rear of them; they did go back.

2551. Tell me how they got back?—When the stone throwing became serious the cars attempted to turn, and as to the long car, they had extreme difficulty in turning, it had two horses, and all this time the stones were being showered on them; I should say it was eight or nine minutes from the time we first got up to the time the cars got properly around, and all that time they had been exposed to the stone throwing.

2552. Did you hear anything said by any people who were on the cars as to the effect that this assault had on them; did you hear any of the voters say anything?—No, I did not.

2553. What pace did the horses start at when they went back?—At a gallop, all who could.

2554. How wide was the road in which this took place?—It was a long car, with two horses.

2555. I want to know what was the width of the road; I suppose it was not a very wide road?—No, I should say it was about 35 feet; there were ditches on both sides.

2556. Did the cars go away alone, or were they pursued?—They were pursued, but I could not pay much attention to that.

2557. How many of those who were on the cars were left with the police when they galloped back?—Only two.

2558. Who were they?—A man of the name of Keefe and myself.

2559. Who was Keefe?—He is a tenant of my father, but he has not got a vote; he came for the purpose of helping me.

2560. All those voters you had, the 23 you have spoken of, all went back with the cars at this gallop?—Yes.

2561. And you were left with the 13 police?—Yes.

2562. Where did you attempt to go with the police?—When the cars got clear off we formed ourselves together; the stone throwing was being continued, several of us were struck by the stones, myself among the number; we formed, and attempted to go to the barrack.

2563. What size stones were they?—I was hit by a stone on the head; I should say it was over three inches in diameter, a tolerably round stone.

2564. Were many others besides yourself struck?—I saw one of the policemen struck with a stone, and I saw two struck with sticks. I know several complained to me that they had been struck.

2565. You and Keefe, and the 13 policemen, where did you go to then?—We formed together, and marched to Capper police barrack.

2566. How far off is that?—That is about 250 yards off.

2567. Was there any obstruction offered by any one to your going there?—After the cars got clear off there was not very much obstruction, but there was some obstruction.

2568. Were any blows struck, or any stones thrown after the cars went?—Yes, certainly.

2569. Did the police at any time use their bayonets?—Yes.

2570. Be good enough to tell us how and when?—When we first came up, the foremost men of the mob tried to catch hold of the bayonets in their hands, and one man did catch hold of a bayonet. The policeman shoved the bayonet forward, and kept him off that way.

2571. Were any prisoners taken by the police from the mob?—When we went to the barrack.

2572. During the time you were getting there?—We took three prisoners.

2573. From the mob?—From the mob.

2574. They were taken to Capper barracks by the police, and you were with them; is that so?—Yes, that is so.

2575. Were these men or boys that were taken?—They were men.

2576. When you got to the Capper barracks, did you find any other persons there, as prisoners?—Yes.

2577. How many?—Seven, to the best of my belief.

2578. When you got to the barracks was any attack made at all on the barracks?—No, there was no attack made on the barracks.

2579. Was any sortie made by the police when you were there?—Yes.

2580. What happened before that sortie from the barracks?—We remarked several men who had been conspicuous in the row, and we sallied out, and took them prisoners.

2581. What did you do; how many men did you see coming up who were conspicuous in the row; were they a few or many?—Many.

2582. In what number should you say?—They came in a mass.

2583. When you were inside the barracks, how many came up?—There was the whole mass that had confronted us.

2584. How near did they come up to the barracks?—They came up right in front of the barracks.

2585. Did they come within a yard or two?—In front of the barrack there is a yard, and they came close up to the walls of the yard.

2586. Is it an enclosed yard, or has it gates?—It is a yard enclosed; it has a gate at the front, directly opposite the police barrack.

2587. How high is the wall?—Up to the breast.

2588. So that you can see over it?—Yes.

2589. They

2589. They came up to the wall, close to the barrack?—Yes.

2590. What would be the number?—It was the same mob who had attacked us; I should say over 100, perhaps 150.

2591. Did they say or do anything?—Anybody who came up the road, going to vote, they stopped and cross-questioned them; I saw them stop several people.

2592. Were you near enough to hear what was said?—No.

2593. They only stopped people; did they detain them or let them go?—I do not know.

2594. But they stopped people?—Yes.

2595. When they came up near the barracks, were they quiet or were they shouting?—They were shouting all the time.

2596. What did they shout when they came up to the barracks?—I did not notice any of the cries particularly; they were the same sort of cries that were used before.

2597. Cannot you recollect what the cries were?—They said they would have no Tories, and they would keep them all from voting.

2598. By the *Committee.*] Are you quite sure they used that expression, that they would keep all Tories from voting?—They used words to that effect when we were attacked; I will not say that those were the exact words that they used; they told us to go back, or we would be killed.

2599. Those two expressions are not synonyms. "You had better go back, or you will be killed," is different from saying that they would have no Tories?—

2600. Mr. *Mundell.*] Was anything said about voting?—I am not sure whether they said they would keep us all back from voting, but it suggested itself to my mind that that was the meaning of it.

2601. Is that what they said?—I do not recollect exactly the words.

2602. After that, while they were in this condition in front of the barracks, were any sorties made by the police?—Yes.

2603. How many?—I saw one.

2604. Did they take any prisoners?—They took four.

2605. Do you remember, in the afternoon, a troop of lancers coming up?—Yes.

2606. About what o'clock was that?—That would be about half-past four, I think.

2607. What did they do; when did they go back, the lancers?—They went off in the Dungarvan direction, taking the prisoners with them.

2608. How many prisoners did they take with them; was it all that you had taken?—Yes; I think there were 13 or 14.

2609. And the men that you found in prison at the Capper barracks when you came up, did they take them?—Yes; I am not sure whether there were six or seven prisoners.

2610. Thirteen or 14?—Yes.

2611. Where were the mob; was there the same mob in front of the barracks when the soldiers came up?—They had dispersed in a great measure by that time, or some of them.

2612. By the *Committee.*] The mob had not seen the soldiers coming?—No, they came up at a sharp trot; they would be prevented, by a turn in the road, from seeing them.

2613. Mr. *Mundell.*] Where did you go when the soldiers came up?—I was in the barrack.

2614. Where did you go after they left?—I marched back with the 13 policemen and eight more, who formed the escort of the prisoners to the Capper-quin.

2615. Did you observe any of the mob on your road back?—Yes, about 80 of them.

2616. Where were they?—About the place where we were first attacked in the morning.

2617. How did they treat you when you went by them with the 13 police; did they do anything?—No, they were quite quiet.

2618. By the *Committee.*] Did they utter any cries or use any threats to you when you were returning, or did they let you pass quietly?—They allowed us to pass quietly.

2619. Mr. *Mundell.*] Now, let us see; has Sir John Keane a tenant called Johnny Kearny?—Yes.

2620. Was he a party to this?—Yes.

2621. Michael Connor?—Yes.

2622. Dennis Keefe?—Yes.

2623. John Newman?—I think he was.

2624. William Newman; do you know him?—I do not know about him.

2625. Edmund Quan?—Yes.

2626. Morris Scanlan?—No, I do not recollect him.

2627. Patrick Veal?—Yes.

2628. Michael Veal?—Yes.

2629. And Richard Walsh?—Yes.

2630. Was he there?—Yes.

2631. Do you know any of the other voters?—Yes, I know some of them.

2632. Whose voters were they?—Judge Crompton's.

2633. Do you remember yourself any of Judge Crompton's voters that you can call to mind?—I do not remember the names of them.

2634. Whose else were the voters?—There were Mrs. Green's, I think.

2635. Garrad Dalton, do you know him?—No.

2636. Jack Shean?—There are two Sheans.

2637. Were they Judge Crompton's voters?—Yes.

2638. Hugh Walsh?—Yes.

2639. Richard Daniel?—I do not remember him.

2640. Are you a son of Sir John Keane?—I am a son of Sir John Keane.

2641. What voters were those you spoke of; you say they were yours and Judge Crompton's, that is, the late Judge Crompton?—I did not know him.

2642. And who else?—Mrs. Green's, I think.

2643. I am sure if this had been in Judge Crompton's time they would not have been in your company; now, just tell me this, had you collected them?—They came by appointment.

2644. Where did you meet them?—I met them at Boravachary cross roads.

2645. In whose charge were they?—My father's men were collected by Thomas Keane, who is also a tenant of my father; they came down with him, and the others came of their own accord.

2646. He was with them?—No.

2647. Were there not bailiffs, or what you call drivers, with them?—I do not know what you mean.

2648. Were there not persons in the employment of the landlords with them?—I saw none.

2649. Taking care of them?—I saw none.

2650. I do not quite follow you in the course of your proceedings; was your father there?—He came to Boravachary cross roads.

2651. Y

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2651. He was there too?—Yes.

2652. Did he bring up any hands with him?—Some that were there before he came.

2653. Where did you proceed to then?—We were proceeding to Rockfield.

2654. How many cars had you there?—Six.

2655. And three more joined you?—Three more joined us at Rockfield.

2656. Then you went on a little more, and there were three more?—No.

2657. Was it only three altogether?—Three at Rockfield.

2658. When this fight took place, or this attack of the mob, I understand that you had 13 of the police with you?—Yes.

2659. Did the police charge with their bayonets?—No, they did not charge at all; they formed a line across the road, and tried to keep the mob from the cars.

2660. Did they not resist the mob when they came on?—They were obliged in self-defence.

2661. Did they resist them?—Certainly they did.

2662. And were they beaten by the mob?—Yes; I saw some of the police beaten.

2663. Do you mean to say that 13 of the police force were beaten off by the mob?—No; the 13 policemen were not beaten off by the mob.

2664. They were able to beat off the mob, were they not?—They were not able to keep them from the cars.

2665. They were able to put them to flight?—Not without firing.

2666. But they were not able to do it with their bayonets?—No.

2667. Do you mean to swear that?—Yes.

2668. Did the police fire?—I heard a shot fired.

2669. Did any of the police fire?—I heard a shot fired.

2670. I ask you did any of the police fire?—I did not see any of the police fire.

2671. Do you know that any of the police fired?—I do not know.

2672. Do you mean to tell these gentlemen that you do not know whether a shot was fired by the police?—I heard a shot.

2673. Do you not know that it was fired by the police?—I did not see it.

2674. Do you not know that it was fired by the police?—If I did not see it I do not know it.

2675. Did you hear that it was fired by a policeman?—I heard some one say that.

2676. Do you hear the policeman say so? (*After a pause*) What are you waiting for?—I am thinking whether I did or not; I believe I did.

2677. Do you not know you did?—No, I am not sure.

2678. Did you not see the shot fired at a man who was running across the field?—No, I did not.

2679. Did you see the man that was fired at?—I cannot be certain whether I saw him or not.

2680. It was such an immaterial event that it would not fix itself on your memory?—There was so much excitement at the time.

2681. The size of the stones would fix themselves on your memory, but the fact of a man firing at another would be too immaterial for you to remember?—The reason I recollect that is because I was hit by one.

2682. Do you say that that was so immaterial that you cannot recollect whether you saw it or not?—I do not know that I saw the man fired at.

2683. You did not pay any particular attention to it?—I was defending myself.

2684. At what period of the assault that you talk of was that shot fired by the police?—It was fired when the mob was surrounding the cars, and throwing stones at them.

2685. Did you see the police attempting to clear off the mob with their bayonets?—Yes.

2686. What, did the mob stand a bayonet charge?—Some of them took hold of the bayonets.

2687. They abided the charge?—There was no regular charge in line; the police tried to clear the way, but there was no charge in line.

2688. When the police attempted to charge, did the mob abide the result?—They did not attempt to charge.

2689. You say they did not attempt to charge?—Let me understand what you mean by charging.

2690. That is to attack the mob with the bayonet?—They tried to keep off the mob from the voters.

2691. There are two ways of doing that: perhaps you recollect the story of the quaker, who held out a spike in order that a man might run against it because he would not strike him; did they attempt to use their bayonets?—They did.

2692. Did they attempt to use their bayonets when they were in line?—Yes.

2693. Did they move forward when they attempted to use them?—No, they rather moved backwards.

2694. The mob rushed on their bayonets?—Yes, they tried to get through them.

2695. Did you see that?—Yes.

2696. You saw that the mob rushed on the bayonets?—I saw one man taking hold of a bayonet.

2697. Was there one man in the mob struck by a bayonet?—Yes, there was.

2698. How many should you say?—I do not know.

2699. About how many?—I do not know.

2700. You cannot tell at all?—I cannot tell at all.

2701. How many voters were there in the nine cars?—There were 23 started with me, and I heard that nine voters came up to Rockfield.

2702. And they all went away?—They all went away.

2703. That was the day before the election?—Yes, that was the day before the election.

2704. When did you see any of them again?—I only saw one of them the next week.

2705. You did not see any of them till the next week?—No.

2706. And in the advance at the barrack at Capper, where you say you were assaulted by the mob again, and their shouting and using the same expressions, there were no voters there at all in that advance?—No.

2707. And this mob which rushed on the bayonets, and beat the police off, allowed six or seven of their number to be arrested and carried prisoners into the barrack?—When we charged out of the barrack the mob ran away.

2708. And the police after them?—Yes, and took some of them prisoners.

2709. During the whole of your advance from Capper to the barrack you were resisted in the

same way?—After the voters had gone back there was no great resistance.

2710. Did you not swear that the same mob, after the voters went away, resisted you, and pelted you with stones in your advance?—Yes.

2711. They used the same expressions, you said?—I do not recollect them using any expression but the one I told you of.

2712. You say that you heard them use the expression that they had used before?—Yes.

2713. How far was it from the place where this took place to the barrack?—From 200 to about 250 yards.

2714. Did you find any of the voters at the barrack when you got there?—I found Mr. Fitzgerald there.

2715. Is that the only voter you found there?—The only man I knew.

2716. Did you find any that you understood to be voters; Mr. Usher's voters?—I do not know Mr. Usher's voters.

2717. Do not trifle with me; did you see any there that you understood to be voters?—I saw one man.

2718. Did you see more?—I do not recollect seeing more.

2719. More whom you understood to be voters?—I saw Mr. Fitzgerald and Mr. Usher, and one man with him.

2720. Did you not know that Mr. Usher had several voters there?—He may.

2721. Did you not see them?—No.

2722. Do you know that they went on the next morning to vote?—I was told so.

2723. Did you see them go in?—I saw several men go.

2724. Do you not know they were voters; were you not told they were voters?—No.

2725. When did you understand they went in to vote on the next day?—I do not recollect that; I was told that; the next week, perhaps.

2726. Did you suspect that they were voters?—I did not think about it at all.

2727. Do you mean to say that to the Committee?—Yes.

2728. You saw them going in under an escort?—Yes.

2729. And you never thought that they were voters?—I saw some men going.

2730. By the *Committee.*] How many men went away under the escort of the lancers?—That I cannot answer at all.

2731. Were they many or few?—That I cannot answer; there were the prisoners. I saw the prisoners put in the cars, and going off; that was all I saw, because I went off myself directly afterwards.

2732. You only saw the prisoners go?—I only saw the prisoners go.

2733. And no other men?—This one man that I spoke of; I do not know his name.

2734. Those were the Orpens you saw go?—Yes.

2735. Mr. *O'Malley.*] When did you understand the voters went?—Some time in the next week.

2736. That the dragoons had escorted the voters in?—There were no dragoons there.

2737. The police then?—No, the lancers.

2738. By the *Committee.*] The lancers took away a certain number of men. I want to know how many more men than the prisoners they took away?—I do not know.

2739. Mr. *O'Malley.*] I will ask you that question. How many men besides the prisoners did you see when you got there. Did you remain there that night?—No.

2740. The lancers went away before you?—About the same time.

2741. By the *Committee.*] You returned with the 13 police to Capper Quin?—Yes.

2742. Mr. *O'Malley.*] And there were lancers besides at the barrack?—Some lancers came from Dungarvan.

2743. You saw them go away?—I saw them go away.

2744. Do you mean to say you did not see any one go with them but the prisoners?—I have told you I did not see them.

2745. Will you swear you did not see them?—I will swear that I did not see them.

2746. That you saw no one go but the prisoners?—And the one man I have told you of.

2747. Did you see no others?—No.

2748. Did you see, before they started, any other persons there?—No, I did not; not to my recollection.

2749. Did it strike you with surprise to hear that the lancers had escorted voters into Dungarvan?—No, certainly not.

2750. Did you wonder where they came from?—No, I did not think about it at all.

2751. By the *Committee.*] Surely if you took sufficient notice of the number of men who went away from the barracks with the lancers to know there were seven prisoners, and one other man, a voter of Mr. Usher's, surely you can recollect whether there were more men or not?—No, I cannot recollect; I did not see any men go with them.

Re-examined by Mr. *Mundell.*

2752. How long a time elapsed from the time the cars went away backwards galloping, and the time of the lancers marching off in the direction of Dungarvan; can you tell me about how long?—I should say about three hours.

2753. You knew Mr. Fitzgerald before, did you not?—Yes.

2754. Did you know Mr. Usher before?—Yes.

2755. Did you know any of Mr. Usher's voters?—No, except one man whom I saw there; I was told he was a voter of Mr. Usher's.

2756. Who told you that?—That I cannot say.

2757. Some one in the barrack?—Yes, some one in the barrack.

2758. Can you give the Committee any idea of how many persons there were in the barrack besides Mr. Usher, Mr. Fitzgerald, and this one person that you knew, besides these 13 prisoners?—I saw nobody else except the three, and those you have mentioned.

2759. Therefore you never saw more than those three, as far as you know?—I never saw more than those three, as far as I know.

2760. Were there several rooms in the barrack?—Yes, there were two rooms down stairs that I went into.

2761. Were there any up stairs?—Yes.

2762. In which room did you see Mr. Usher, Mr. Fitzgerald, and the other person?—I spoke to Mr. Usher and Mr. Fitzgerald in one of the rooms down stairs in the barrack.

2763. Where did you see the other person, in the room down stairs?—In front of the barrack.

2764. Where were the 13 prisoners kept; in which room?—In the front room of the barrack.

2765. Were

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2765. Were you able to observe the 13 as they went out; did they go out of the barrack before you or after you?—I was standing at the door of the police barrack as they went out, and they were put into cars; I was inside the door of the police barrack.

2766. Did you see which way Mr. Fitzgerald went to Dungarvan; in what direction?—I did not see.

2767. Did you observe which way Mr. Usher went?—No.

2768. Or the other person who was with him?—No.

2769. How many cars were there, did you observe that?—No, I was inside the barrack.

2770. Could you see the cars over the dwarf wall or not?—Yes; the cars came into the yard to take up the prisoners.

2771. How many police made the sortie out of the barrack, more than 13 or less?—Less, I should say.

2772. Were there more than those men who came up with you; there were eight; how many were there in the barrack at Capper, was it a large number or not?—There were 13 came with me, and then there were eight, and then there were a few more in the barrack, perhaps three or four.

2773. Now about this use of the bayonet; was either party stationary when the bayonets were used?—When I saw the bayonets used they were standing quite still.

2774. Who were?—The police were; the mob was pushing upon them.

2775. At any time did you see the police do otherwise than stand still?—They were shoved backwards by the mob by sheer weight; those behind were shoving on those before.

2776. Now about the firing of this shot; you say you heard it; can you tell me whether you saw the gun levelled from which it was fired?—No, I could not.

2777. You could not tell whether the shot was fired from the right or the left?—No.

2778. Do you know the name of the officer in command of the 13 policemen who came with you from Capper-quin?—Yes, it was head constable Sweeney.

2779. Do you know where he is stationed?—Borris-in-Ossory.

2780. You could not tell on which side the shot was fired?—No.

2781. I want to know at what time it was you saw the man who was fired at; how do you know it was the man it was fired at?—I did not see the man who was fired at, to my knowledge.

2782. You do not know at all who the man was?—No.

2783. You never had him pointed out to you at any other time?—Never.

2784. By the *Committee.*] Who was the officer in command of the lancers who came to the barrack at Capper, do you know?—I do not know his name.

[The Witness was ordered to withdraw.

SAMUEL RICHARD FITZGERALD, Esq., was called in; and, having been sworn, was examined by Mr. *Harris*, as follows:

S. R. Fitzgerald, Esq.

2785. ARE you a barrister?—Yes.

2786. I believe you have retired?—Yes.

2787. Are you a magistrate for the county of Waterford?—I am.

2788. Are you the agent of Mr. Usher, of Capper?—Yes.

2789. Do you recollect the 28th December last, the day before the polling in the county of Waterford?—I do.

2790. Where do you live; what is the name of your residence?—Whitechurch.

2791. How far is that from Capper?—About two miles by the road.

2792. Had you made arrangements to go to Capper on the day before the polling on the 28th?—I had.

2793. Now, in the course of that day, did you receive any communication; I do not ask you what the communication was; but did you receive any communication from Mr. Usher?—I did.

2794. In consequence of that communication, did you do anything?—Yes, I had ordered my horse and cart for the purpose of driving over to Capper, and from what I had heard I countermanded my horse and cart, and I ordered one of my hunters to be saddled for the purpose of riding across country.

2795. When you left, did you go out by your back entrance?—I went out by my back entrance.

2796. After you went out by your back entrance, did you hear anything?—Yes; I had not got more than a hundred yards outside my back entrance, when I heard whistling in the direction of Capper.

2797. Did you see anything?—I saw men standing on the rising ground in the neighbourhood.

2798. Was there rising ground facing you?—Yes.

2799. Did you ride on fast?—I was walking my horse at the time, and I then put him into a quick motion.

2800. What did you then do?—Then the whistling that I had heard between me and Capper was taken up from the other side of the road. I looked in the direction from whence I heard the sounds, and I saw men converging from either side towards the Cross at Whitechurch which I should have to pass.

2801. What did you do?—I then put my horse into a gallop.

2802. Did you reach Whitechurch long before the men?—Yes, I think two men got there before me; but I reached Whitechurch long before the number did.

2803. Did you ride fast from Whitechurch in the direction of Capper?—Yes, I gallopped as fast as I could to reach Capper barrack.

2804. How far is it from Mr. Usher's house to Capper?—About 60 yards to the back entrance from Capper, which entrance I was going to.

2805. Did you reach that back entrance or the barracks?—I did.

2806. Did the whistling still continue?—Yes, the whistling that I had heard at first as I went along the road followed me on in the direction of Capper, all along between Whitechurch and Capper, a distance of about a mile.

2807. When you say followed you, was it taken up

up by different individuals?—It was taken up from where I heard it first, and continued on by a succession of whistles along the fields.

2808. When you reached Mr. Usher's gate, did you find any persons assembled there?—Yes, there were a number of people at Mr. Usher's back gate.

2809. Can you tell me about how many?—At that time I should think there were about 50.

2810. Had they anything in their hands?—Yes, the men were armed with sticks; there were a few women among them.

2811. When you speak of a number of persons, do you mean that they were men, or did it include women?—I should say there were about 50 men there, and perhaps four or five women.

2812. Did they, or any of them, give you any orders, or say anything to you?—When I came to the gate, they ordered me to go back.

2813. Did you say anything in reply?—I said I would not go back.

2814. What did they say?—They said you must go back. I said I did not come there for the purpose of going back, I came there to go to Mr. Usher, and I shall go. They said, "If you do not go back, we shall make you." One man came forward from the crowd, and he seized my horse by the bridle; at the same time he with others flourished their sticks over my head.

2815. You were on horseback at the time?—Yes.

2816. Did you about that time see any police?—Yes; the police barrack at Capper is about 60 yards from where I stood at Mr. Usher's back gate, and I saw three or four policemen standing in front of the barrack.

2817. Did you say anything to the policemen?—I made a sign. I called out to the constables to come to my assistance.

2818. What occurred to you then?—The constables came forward; I think six or seven or eight, it was not more than eight. They came forward, and as they came forward, the mob made a rush upon me; one of them struck me with a stick, and although I did not see my horse struck, I believe he was.

2819. Where did the stick strike you?—On my right shoulder. My horse then, I suppose, being struck, plunged rather violently, and at last he burst through the crowd, and carried me away from them.

2820. Did he carry you in the direction of the police barrack?—He carried me in the direction of my own house; that is in the direction of the police barrack.

2821. Had the mob at this time increased?—Yes.

2822. About how many were there in the mob at this time when you were brought to the police barrack?—I could not get my horse to stop for about 30 or 40 yards from the fright, as I supposed, from being struck; and when I turned round I saw the police drawn up in a line across the road, and the mob assaulting them. The mob at that time I should say numbered about 150.

2823. Did you then see the mob do anything to any person?—Yes.

2824. Will you describe what you saw?—They came on very furiously with sticks and stones. The constables who have their swords fixed on to the rifles had them levelled to keep back the mob. The front ranks of the mob came forward and attempted to strike the constables with their sticks over their rifles, whilst the hinder part of the mob threw stones at the police and at me.

2825. About what o'clock was this?—It was about 20 minutes past one when I reached Mr. Usher's gate first.

2826. Whilst this riot was going on, did the head constable ask you for any orders?—Yes, he asked me this; so great was the violence of the mob, and they were pressing on the constabulary so much, that he called on me to give him orders to fire.

2827. You did not?—I declined to give him orders to fire, but I desired him to keep them back at the point of the bayonet.

2828. Did they do so?—They did do so.

2829. Are you aware whether any prisoners had been rescued by the mob previously to this?—I did not see it; at that time I was not aware of it.

2830. Did the police then retreat, or did they get within the inclosure?—Yes, the police steadily retired with their bayonets presented to the mob, who pressed on them, and by my orders they gradually retired to the inclosure encircling the barrack.

2831. How many police were there there?—Either six or eight; I should say not more than eight, and there may have been seven.

2832. Did you hear any noise about that time from any particular direction?—Yes, we had not been very long inside the inclosure of the barrack, when we heard shouting and whistling in the direction of Capperquin.

2833. Did you see any mob?—The mob that had been attacking us, immediately on the whistling and shouting, left Capper and went off in the direction whence those sounds proceeded.

2834. Did you immediately after this hear any thing further, immediately after the mob that was engaged in attacking the police, did you hear anything further?—Yes, I heard shouting and whistling, and I heard the sound of blows, and I heard a shot fired.

2835. Was that in the direction of Capperquin?—Yes.

2836. That is at the Capperquin side of Capper?—Yes.

2837. How far, could you judge at all at what distance the shot was fired from the barracks?—Except from the sound I could not judge.

2838. Can you tell me about?—I should think between 200 and 300 yards.

2839. You think that, from the sound of the shot?—Yes, that is the only way I have of judging.

2840. Shortly after you heard that shot fired, did you see any policeman approach from the direction of Capperquin?—Yes, I saw a body of police.

2841. How many?—I think 13.

2842. Had they any prisoners with them?—Three.

2843. Were they accompanied by the last witness, Mr. Richard Keane?—Yes, they were. There was another civilian with them also, a man of the name of Keefe.

2844. Were you about the same time joined by any other police who had accompanied another gentleman?—Yes, a party of police that came from Dungarvan, I think; I do not know.

2845. With Mr. Poole, I believe?—Yes.

2846. By the *Committee.*] How many were there with him?—I think nine.

2847. Mr. *Harris.*]

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2847. Mr. *Harris.*] Were there any further arrests made?—Yes.

2848. Was that after the reinforcement of the police by the nine others?—Yes; at first the constables seemed anxious to make arrests, but I forbade them, and said I thought our force was too small. When we got reinforcements we arrested further prisoners.

2849. Do you know the name of the head constable who was in charge of the police with the prisoners?—Yes; Thompson.

2850. Do you know the name of the constable in command of the party who came with Mr. Keane?—Yes; Sweeney.

2851. Do you recollect Mr. Usher, shortly after this, coming down from Capper to the barracks?—Yes.

2852. And did you and Mr. Poole and Mr. Keane go up to Capper House?—Yes.

2853. It was tolerably quiet?—Yes, the mob were more tranquil.

2854. Did you come down again?—Yes, in about half an hour I returned to the barracks.

2855. What did you find was the state of affairs there?—The police were drawn up in front of the barracks under the direction of the head constable, and I found a policeman posted at each of the four upper windows of the barracks with his loaded rifle resting on the window sill.

2856. By the *Committee.*] How many police were drawn out in front of the barracks?—I should think all but five. I should think there were from 20 to 24 police drawn up in front of the barracks.

2857. Mr. *Harris.*] Was the mob still there collecting?—Yes, they were there walking up and down in front of the barracks, shouting and gesticulating, and defying the police to come out; occasionally there was a stone thrown.

2858. Had the mob decreased in numbers from the time you left, or did they continue?—They kept fluctuating; they used to go and come.

2859. In what state did that mob appear to you; did they appear to be excited by anything?—They seemed to me to be very much under the influence of drink; I could not have put my finger upon a drunken man; they seemed to be infuriated with drink.

2860. About what o'clock was it you came down from Mr Usher at Capper to the police barrack?—I should think about two, perhaps a little after.

2861. Did this state of things continue a little time?—Yes, until about four o'clock.

2862. Do you recollect a troop of Lancers arriving at Capper from Dungarvan?—Yes.

2863. Do you know what was the name of the officer in command of that troop?—I do not know; I never saw him before.

2864. Was Mr. Barry, the stipendiary magistrate, with them?—Yes, he was in charge of the Dragoons.

2865. Did you know of the Lancers having been sent for from Capper?—I heard it.

2866. Did that escort, that troop of Lancers, bring the prisoners back to Dungarvan?—They took back the prisoners that we arrested, together with the six prisoners who had been rescued and re-arrested in the morning.

2867. That is the convicted prisoners?—Yes.

2868. They were all taken back to Dungarvan by the Lancers?—Yes.

2869. Do you know of any of Mr. Usher's voters having availed themselves of the escort of those Lancers?—Yes.

2870. How many of them?—I think nine, and Mr. Usher himself came in with the escort.

2871. I suppose he rode in?—No, he came in on the car, with the prisoners and with the voters.

2872. By the *Committee.*] Were those all the persons whom the Lancers escorted into Dungarvan from Capper?—I do not remember any others. There was Mr. Poole went in also, I think.

2873. Mr. *Harris.*] Mr. Poole, Mr. Usher, and the nine voters?—Yes, and 13 prisoners.

2874. That includes the rescued men?—Yes, and seven prisoners who were arrested at Capper.

2875. Were you present at that time in December on the polling day, when the Lancers came up over the bridge?—I was.

2876. And did you see what occurred at the bridge on that day?—I did.

2877. Will you describe to the Committee shortly what was done to the Lancers, or what was done at the causeway?—Yes, I saw it.

2878. Will you describe shortly what was done at the causeway?—Some troops had been sent out to escort voters in from the Waterford election, and they were obliged to come over the bridge they had passed.

2879. Mr. *O'Malley.*] You were asked to say what you saw, and you begin by something that you did not see?—I saw the mob.

2880. By the *Committee.*] The Committee are in possession of all the circumstances, and the troops who were there; they know their number, and they know whether infantry, or cavalry, or police; so just be good enough to describe what you saw there?—I saw the cavalcade come over the bridge; there were cars with voters on them, and there were Lancers, and, I think, some infantry with them; most of the voters had passed when the mob, which was assembled at both sides, began to shower stones on the hindmost cars, and on the portion of the Lancers that were in charge of them. I saw the stones coming only from one side; it was what they call the side where the railings were, the deal-yard side.

2881. Mr. *Harris.*] The Shandon side?—The Shandon side; I did not see any from the quay side, but I saw showers from the Shandon side, and I then saw the Lancers disperse amongst the crowd; and I saw some Lancers go down the quay, and I lost sight of them at once, I could not follow them; there is an angle of the Courthouse wall intervenes. I saw some of the Lancers go down pursuing the mob.

2882. Was the crowd at the bridge a violent crowd?—I should say so; there was a shower of stones; I saw no violence till the stones were thrown.

2883. It was on the polling day?—It was on the polling day.

2884. All that you have described as having occurred at Capper was the day before the polling day?—Yes.

Cross-examined by Mr. *O'Malley.*

2885. Are you the agent for Mrs. Charnley, of the Charnley estate?—Yes.

2886. Are you Receiver under the Court of Chancery?—Yes.

2887. Did you authorise the voters to be collected and brought up to the poll—Certainly not.

2888. You

2888. You would have felt that it was an infringement of the orders of the Court of Chancery?—I do not know what I should have felt.

2889. You would have known it?—I should not have known that it was.

2890. Why did you not?—I did not choose to interfere.

2891. Why, you are a very warm partisan?—I am not.

2892. Were you not?—No.

2893. Were you a partisan?—No.

2894. Not at all; No.

2895. Who did you vote for?—Captain Talbot.

2896. What were you going out with Mr. Usher's voters for?—Because he asked me to do it.

2897. To bring in the voters?—Yes.

2898. That is the act of a partisan, I should think?—When I say "bringing in the voters," he asked me to accompany them to Dungarvan.

2899. Was it because you were not a partisan, or because you were the receiver appointed by the Court of Chancery, that you did not interfere with Mrs. Charnley's voters?—I did not interfere because I was not asked.

2900. Was that the reason, or was it that you felt it would be improper?—I felt that it would be improper to do so.

2901. Do I understand that that was the general principle that the estate was in Chancery, or that you thought such interference improper?—I should not think interfering improper so far as asking the tenantry to vote, if I was asked to do so by their landlords.

2902. And allowing them then to take their own course?—But I would not go beyond merely asking a tenant for his vote; and I may add, that I did not, in point of fact, ask any tenant on any estate over which I am agent or receiver to vote on the occasion.

2903. Do you know a person of the name of Dennis Keiley?—I do.

2904. Was he distrained on very soon after the election?—He was.

2905. By the *Committee.*] Whose tenant is he?—A tenant on the Charnley estate.

2906. Mr. *O'Malley.*] Who did he vote for?—I cannot say.

2907. Do you not know?—Not personally.

2908. Have you been told?—He told me he voted for Mr. De La Poer.

2909. How soon after that was he distrained on?—I cannot say; it might have been a fortnight or three weeks.

2910. Not quite so long?—I do not remember.

2911. Was it within a week?—I do not think it was.

2912. Was it not within a week?—I will not say; but I will say this, that a fortnight or three weeks before the election he came to me himself to ask me to distrain on him to save the property from creditors who were coming on him.

2913. And did he ask you after the election?—No; there was an arrangement made that he should have been distrained on, and he was allowed to make an arrangement with a relative of his own to give up the farm to him, which was sanctioned by the Master in Chancery on his getting a sum of money for his interest in the farm, and he was allowed to do that with the sanction of the trustees and the Master in Chancery.

2914. That would have made the distress unnecessary?—It did not.

2915. You laid an information in this matter before the magistrates against these prisoners, did you not?—Yes.

2916. And you stated upon your oath the facts of the case?—Yes.

2917. Did you ever mention till to-day the whistling taken up and continuing along the road?—I do not know that I did in my informations; I did not.

2918. You never said a word about that in your informations; that is so?—Yes.

2919. Was Orpen your bailiff?—He is bailiff on the Charnley estate.

2920. As you are the receiver, he is bailiff under you?—Yes.

2921. You could dismiss him to-morrow, if you pleased?—I do not know whether I could or not.

2922. Do you mean to say that you do not know whether you have the power to dismiss him?—I know I should not do it without asking the Master in Chancery for permission.

2923. Did you know that he was active in getting up the voters?—No, not personally.

2924. Did you know the fact?—I heard since the election that he was.

2925. Did you not know before the election?—No.

2926. You had not the least notion of it?—No.

2927. Were you surprised to hear that the person had taken the Charnley voters in charge to bring them up to vote?—No, I was not.

2928. You were not at all surprised?—No.

2929. Did any of the tenants come to you and tell you that Orpen was trying to get them to vote, and to know what they were to do?—Not that I recollect.

2930. Try and recollect, because it is a very important thing?—I cannot recollect that anyone did.

2931. This is the first time in your evidence that you have had to say that; did they not come to you, and tell you that Orpen was trying to get them to vote?—I do not recollect that any one of them did.

2932. Will you say they did not?—No.

2933. Will you venture to say that 10 of them did not do so?—Certainly, I will.

2934. You will venture to say that as many as 10 did not?—Yes.

2935. How many are you uncertain about?—I do not remember that anyone did; if one did, it might have escaped my recollection.

2936. That might have brought to your knowledge the fact that Mr. Orpen was interfering?—I do not think I knew that Orpen was interfering about it. I should have thought he would very naturally do so; he would very likely be the person to do so.

2937. And, knowing that he would be the person, you knew also the interests in which he would do it?—I certainly knew that the trustees of the Charnley estate were anxious that the tenants should support Captain Talbot.

2938. And you preferred Mr. Orpen managing that to yourself?—I had nothing to do with Mr. Orpen, and I did not know whether he was doing it or not.

2939. Had you reported him to the Master in Chancery for interfering?—No.

2940. By the *Committee.*] Did any of the

S. R. Fitzgerald, Esq.

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tenants ask you how they were to vote, or did they communicate with you on the subject of their voting?—On the Charnley estate?

2941. Yes?—I do not recollect that they did.

2942. Mr. *O'Malley.*] You say that nine voters went away from Capper?—Yes.

2943. Under the escort?—Yes; I think there were nine.

2944. And was Mr. Richard Keane there?—He did not go in with the voters.

2945. Was he there at Capper?—He was.

2946. Was he there when the voters went away?—I think so.

2947. Did you see him when the voters went away?—I think I saw him just as the escort came up.

2948. Did you see him when the voters went away?—I do not think I did; I mean immediately the voters were going away, I do not think I saw him.

2949. Where were the nine voters?—The voters that I saw were at Capper.

2950. Where?—In Mr. Usher's ground.

2951. Were they brought down from the grounds to join the escort?—They came up with Mr. Usher.

2952. On cars?—On cars.

2953. And arranged themselves with the other cars?—Yes.

2954. Can you tell me which of the cars went first, those with the convicts, or those with the voters?—The cars with the convicts went first.

2955. And immediately after went the cars with the voters?—Yes.

2956. And then came the escort?—The escort were some in front and on both sides.

2957. Looking and seeing the voters going away, you would see the voters as well as the prisoners?—Yes.

2958. There were nine of them?—Yes, as well as I recollect.

2959. And Mr. Usher with them?—Yes.

2960. Can you tell me when the voters got to Dungarvan what was done with them?—They were placed for protection inside the rails of the Courthouse.

2961. And were they kept there all night?—No; they were kept there for a few minutes, and then Captain Barry was asked for an escort to take them up to the committee-room of Captain Talbot.

2962. What sort of place was Captain Talbot's committee-room?—There were several rooms there.

2963. Was it a hotel?—No.

2964. Was it a house taken for the purpose?—It was a house taken for the purpose; it had a shop underneath, and those committee-rooms were above.

2965. And they were kept there for the night?—I believe so.

2966. Were there many of those security places in Dungarvan?—I do not know.

2967. How many did you know of?—I did not see tenants or voters in any place but that one place; I myself slept in an hotel close by.

2968. By the *Committee.*] You went into Dungarvan on the Friday afternoon, yourself?—Yes.

2969. Did you ride in alone or in company?—I went in with the escort, accompanied by Mr. Usher and Mr. Poole.

2970. Mr. *O'Malley.* I was asking about these places where they were kept, the depôts, or whatever you choose to call them; how many were there that you knew of?—I think I only knew of one other.

2971. Where was that?—The hotel that I slept at myself.

2972. What voters were kept there?—I do not know that there were any kept there; when I asked where I was to sleep, they said, "We have engaged such and such a place, you can use that."

2973. As to this committee-room where the voters were kept; did Captain Barry escort them from the court-house up to the committee-room?—I think so.

2974. And what number of police guarded them in the room?—There were none.

2975. Were they left unguarded?—Yes.

2976. They did not go out after?—I do not know.

2977. Don't you know perfectly well that they were strictly kept there until they had voted?—I do not know it. If you ask me what I do know, I know that one did not.

2978. Who was that?—A man of the name of Michael Morrisy.

2979. He escaped?—He left them.

2980. He escaped?—I do not know that.

2981. Will you swear he did not?—I will not; I did not see him.

2982. That is the very man I was asking you about; was there a John Morrisy there?—There was.

2983. One of Mr. Usher's voters?—Yes.

2984. And Michael Morrisy made his escape?—I will not swear that.

2985. And will you undertake to say that any one of the rest was outside the doors of that committee-room till they voted?—I will not, for I was not there myself.

2986. These men that you swore informations against, were they committed to prison?—I did not swear informations against any particular men; I could not identify any personally.

2987. You could only swear informations on a charge being made against some particular man; I am not saying that your evidence was directed to identify any particular man, but on the occasion that you swore those informations, were there several men committed to prison?—Not on my informations.

2988. But on that charge in the course of which you gave your information?—I cannot answer that without explaining it.

2989. Then be good enough to explain it?—The prisoners that we arrested at Capper were discharged on the Sunday afternoon, I think, by Captain Barry. On the Tuesday I swore informations, and those men were brought up, I think, on the following Saturday before the justices.

2990. By the *Committee.*] Where?—At Dungarvan, and they were then discharged on bail.

2991. Mr. *O'Malley.*] Now just consider for a moment?—Subsequently to that there were other informations sworn against other parties engaged in the same transactions; those informations were returned for trial at the last Waterford Assizes; and in some of those cases, in fact in all the cases except those in which they had been originally discharged by the magistrates, there were convictions.

2992. What I am asking is, whether the magistrates did not commit them to prison and refuse bail?—No, certainly not.

2993. Those prisoners that were rescued at Capper

Capper, I was under the impression that they were convicts; they were people that were arrested in the same way that you arrested them from the mob?—No, there were six prisoners.

2994. Were they not persons who had been taken for rioting?—No, there were two convicts among them. I do not know what they were taken for.

2995. By the *Committee.*] They were on their way to Waterford Gaol; they had been convicted the day before?—Two of them.

2996. Mr. *O'Malley.*] And the rest of them were prisoners?—Yes, but I do not know on what complaint.

2997. Did you see them brought before the magistrates?—Those six prisoners?

2998. Yes.—No.

Re-examined by Mr. *Harris.*

2999. You have been asked about the distress that was levied on the goods of Dennis Keiley, a tenant of the Charnley estates; had that distress anything to do with the election, or with his vote?—Nothing whatever.

3000. I believe there is an Act of Parliament in Ireland that enables a landlord to claim a year's rent in any case as against an execution creditor?—Yes.

3001. And it was for the purpose of avoiding the execution creditor that he called on you to protect his goods?—It was for the purpose, as I understood him, of allowing the landlord to get his year's rent before the execution creditor.

3002. By the *Committee.*] He gave his landlord the preference?—Yes.

3003. Mr. *Harris.*] Which is very often done; at all events the distress had nothing to do with the election?—Nothing.

3004. You are the receiver in the cause of Charnley minors?—I had 12 months before a specific order to distrain that same tenant from the Master in Chancery, which I did not act upon.

3005. You were receiver in the cause of Charnley minors?—Yes.

3006. You are the officer of the Court of Chancery, or the trustees of the Charnley estates, under the will of the late Mr. Charnley?—Yes.

3007. Who are the trustees?—There is the mother of the minors, Mrs. Charnley, and uncle of the minors, Mr. Charles Cotton, and another uncle, Philip Charnley.

3008. Mr. Charles Cotton, is he a brother of Mrs. Charnley?—Yes.

3009. And Philip Charnley is a brother of the late Mr. Charnley?—Yes.

3010. By the *Committee.*] Would you have had any difficulty in riding into Dungarvan on the Friday afternoon?—I believe I could not possibly have ridden into Dungarvan on that afternoon.

3011. Why not?—I should have been intercepted by the mob.

3012. Where?—At Capper, or at Whitechurch.

3013. Do you know the county of Waterford well?—Some parts of it I do.

3014. Do you know what is the number of polling places in the county?—There is one at Waterford, one at Carrick, one at Dungarvan, and one at Lismore.

3015. Do you think the number is sufficient?—I should say it is not.

3016. Do you know with whom the power of increasing them rests?—I think it rests ultimately with the Lord Lieutenant; I think it is on action taken by the justices at quarter sessions.

3017. Have they been increased of late years?—No, I think not; I know some years ago they wanted to make Ballymacarbry a polling place, within the last six or seven years, and it was not carried out.

3018. Had the polling places been more numerous, in your opinion would there have been the same difficulty in getting the voters to the poll?—In one respect I think it would not, there would be a shorter distance to go; but, in another view, it would accumulate the difficulty of protecting the voters in the event of their requiring protection.

3019. Do you know the distance the voters had to travel who had the furthest distance to go, furthest to Dungarvan?—I should think from Glenaheiry to Dungarvan, it is something like 15 or 16 English miles.

[The Witness withdrew.

[Adjourned till 11 o'clock To-morrow.

Saturday, 30 *March* 1867.

HUGH EDWARD ADAIR, Esq., in the Chair.

Captain John Cavendish Orred, recalled; and further Examined by Mr. *Mundell*.

Captain *J.C.Orred.* 30 March 1867.

3020. I believe you wish to explain a matter in your evidence with reference to loading the pistols. A question was put to you relating to the loading of the pistols, and you gave an answer that you loaded your pistols?—I said I loaded my pistols. What I meant was, that I ordered my men to load, as I considered that their lives were in danger.

3021. Not that you loaded your own?—Not my own individual pistols.

3022. By the *Committee*.] Can you tell the Committee who was in command of the troops that went to Cappa, and brought certain prisoners and voters back from Cappa to Dungarvan?—Captain Lequesne; and I believe the resident magistrate was Mr. Barry, the resident magistrate of Dungarvan. I know it was Captain Lequesne who was in command.

[The Witness withdrew.

Joseph Halloran was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

J. Halloran.

3023. Do you drive the mail car from Clonmel to Dungarvan?—I do.

3024. And back from Dungarvan to Clonmel?—Yes.

3025. There is no railway between those two towns?—No.

3026. What time do you leave Dungarvan in the evening to go to Clonmel?—Twenty minutes to six.

3027. And at what time do you leave Clonmel in the morning to come to Dungarvan?—My supposed time is a quarter past three.

3028. Do you recollect the election for Waterford?—I do.

3029. Do you remember Thursday, the day but one before the election; do you remember your journey from Clonmel to Dungarvan?—That was on Friday.

3030. I am first asking about Thursday; do you remember anything happening to you on that night?—No.

3031. On Friday, the day before your election, were you on your journey from Clonmel to Dungarvan?—I was.

3032. Do you know a place between Berry's Cross and Colligan Wood?—Yes.

3033. When you arrived at the place, about two miles from Berry's Cross, on the Dungarvan side, did you observe anything?—I did.

3034. What did you see?—A mob of men.

3035. How many men were there in that assembly, as you think?—About 12.

3036. Did they say anything to you, or do anything to you?—No.

3037. Did they ask you any questions?—

Mr. *O'Malley* objected to this question.

Mr. *Harris* withdrew the question.

3038. To the *Witness*.] Did they do anything to you?—They did not.

3039. Did you then drive on to Colligan Wood?—I did.

3040. On your way to Dungarvan?—Yes.

3041. Did you see anything at Colligan Wood upon the road?—Not at Colligan Wood, but at Crochnamahderee.

3042. How far is that place you have mentioned, Crochnamahderee, from Colligan Wood?—About a mile.

3043. At which side of Colligan Wood, the Dungarvan, or Berry's Cross side?—The Berry's Cross side.

3044. What did you see upon the road?—I saw a mob of men there.

3045. Was that the second crowd that you had seen on that morning?—Yes.

3046. And at about what hour of the morning of Friday was that?—Half-past seven.

3047. Did that second crowd that you spoke of do anything to you?—They rushed out upon the car, and the passengers was alarmed.

3048. Were there passengers on the car with you?—There were four passengers.

3049. And the crowd that you saw at the second place rushed out at the car?—Yes.

3050. Did they do anything?—No, I pulled up then, and told them that I was the mail car, and they let me pass.

3051. Did you then go on towards Dungarvan?—I did.

3052. Did you see anything else on the road between that place and Dungarvan?—I saw a few men at the bottom of Colligan Wood.

3053. How many men?—About four men.

3054. Did they do anything to you?—No, they did not.

3055. Whose place is at Colligan Wood?—Mr. Galwey's.

3056. Is that Mr. James Galwey?—Yes.

3057. Did anything further occur to you on your way to Dungarvan after you saw these men?—No.

3058. On your return in the evening from Dungarvan to Clonmel, did anything occur to you at Colligan Wood?—No, I saw nothing at Colligan Wood.

3059. Did

3059. Did you see anything on the road that night, as you were returning from Dungarvan to Clonmel between Colligan Wood and Berry's Cross?—I did.

3060. What did you see?—I saw a mob of men at Crochnamaderee.

3061. At the same place where you had been in the morning?—Yes.

3062. Crochnamaderee?—Yes.

3063. Did they do anything to you?—They followed me; but then I told them it was the mail I had, and they let me pass on.

3064. Did you see anything on the road to Berry's Cross?—I did.

3065. What did you see?—I saw some stones.

3066. By the *Committee.*] Stones lying on the road?—Yes.

3067. That is a thing that you often see upon the road?—No, I had never seen them before there, the stones I saw there at that time.

3068. You mean that you have never seen so many stones?—I never saw the same stones there.

3069. Mr. *Harris.*] What sort of stones were they?—Brown stones.

3070. What size?—About the size of paving stones.

3071. Were they lying on the road?—They were.

3072. At what place did you see those stones lying?—Between Berry's Cross and Crochnamaderee, within half a mile of Berry's Cross.

3073. Were those stones lying on the road?—They were.

3074. Did you see anything else upon that journey?—I did.

3075. What did you see?—I saw a great mob of people at Berry's House.

3076. Is that the same place as Berry's Cross?—It is.

3077. By the *Committee.*] Is that a public house?—It is a private house; he is the contractor of the roads.

3078. Mr. *Harris.*] What time was it that you passed Berry's Cross in the evening?—It was about half-past seven then.

3079. And did that collection of persons that you saw at Berry's Cross do anything to you?—No; but I asked them to leave the horse.

3080. The next day was the day of the election, I believe?—Yes.

3081. Did you drive your car from Berry's Cross to Dungarvan on that morning?—No.

3082. How did you go?—I rode a horse from Clonmel that morning.

3083. You did not bring a car from Clonmel?—No, I did not.

3084. Did you carry the mail-bags on horseback?—Yes.

3085. And did you do the same in the evening from Dungarvan?—I did.

3086. What was your reason for doing that?—

Mr. *Waters* objected to the question.
Mr. *Harris* withdrew the question.

3087. To the *Witness.*] Did you ride back in the evening from Dungarvan?—I did.

3088. Did you see anything on the road on your passage from Clonmel to Dungarvan, and on your journey from Dungarvan to Clonmel in the evening?—I did.

3089. What did you see?—I saw a mob of men. *J. Halloran.* 30 March 1867.

3090. Where at?—Crochnamaderee.

3091. Did they do anything to you?—They lined the road across, and went before me.

3092. By the *Committee.*] They lined the road across you?—Yes.

3093. Mr. *Harris.*] Did anything then happen to you after that; after the Saturday; did you drive on the Sunday?—Yes, I drove on the Sunday.

3094. Did you see any cars upon the road on either Friday or Saturday?—I saw them on Saturday.

3095. Where?—On a bye-road at Crochnamaderee.

3096. Were those jaunting cars?—They were common cars and jaunting cars.

3097. In what state were those cars which you saw in a bye-road near Crochnamaderee?—They seemed to be broken.

3098. Were they?—I could not tell; but they seemed to me to be broken.

3099. By the *Committee.*] There were no horses in those cars?—No.

3100. Mr. *Harris.*] Do you recollect the Sunday before the election, the Sunday before this occurrence of which I have been speaking?—I do.

3101. Were you in Dungarvan on that day?—I was.

3102. Did you see the Lismore band in Dungarvan on that day?—I did.

3103. Was it passing through the town, or where was it going?—Passing through the town.

3104. In what direction?—Coming from Carrick.

3105. Was there any person that you knew in particular who was with that band?—I saw Mr. Slattery after or before, I could not tell which, on a side car.

3106. Was the band on cars, or was it walking?—It was on cars.

3107. The men were on cars?—Yes.

3108. How many cars were together?—There was only one pair-horse car, and one car before.

3109. Was the band on that?—Yes.

3110. And was this gentleman on the other car?—Yes.

Cross-examined by Mr. *Waters.*

3111. You were on the car also?—No, I was in the street.

3112. How far was this from Dungarvan?—In the town of Dungarvan.

3113. Were you yourself going before, or after the band?—I was going alongside of it.

3114. Walking with the rest?—Yes.

3115. And enjoying the music?—Yes.

3116. And you saw Mr. Slattery driving through the streets of Dungarvan, on a car?—He was not driving, he was sitting.

3117. The horse was drawing him?—There was a driver driving him.

3118. And he was sitting on the car?—Yes.

3119. All this occurred in Dungarvan?—Yes.

3120. And you are quite sure that it was the Sunday before the election?—I am not quite sure upon that.

[The Witness withdrew.

JOHN DALTON was called in; and, having been Sworn, was Examined by Mr. *Bourke*, as follows:

J. Dalton. — 30 March 1867.

3121. YOU know a gentleman called Mr. Purser?—Yes.

3122. Is he your master?—Yes.

3123. What do you do for him?—I was working for him.

3124. You drive his cars?—Yes, I drive his horses; a pair of horses.

3125. What is Mr. Purser?—He keeps a mill.

3126. Do you know a place called Colligan Mills?—Yes.

3127. Is that Mr. Purser's?—Yes.

3128. Is that between Berry's Cross and Dungarvan?—That is the old road; that does not belong to the Clonmel-road at all, because it is out of the direction; it is out in the country five miles from Dungarvan. There is a mill, and it is there we stopped that evening.

3129. It is not on the road between Berry's Cross and Clonmel?—No, only we were going out on the Clonmel-road; we were going to Clonmel that night from Colligan Mill.

3130. Were you coming from Dungarvan?—No, we were going to start from the mill.

3131. To go to Clonmel?—Yes.

3132. Do you recollect Friday?—Yes.

3133. Was that the day before the election?—Yes.

3134. Did you start from Colligan Mill, that morning?—That evening.

3135. What time?—I think it was about five o'clock, when I started in the evening.

3136. Did you see a mob that evening, anywhere?—No, I did not, because I did not go out there; I dreaded to go there.

3137. You did not see the mob that day?—I did not.

3138. Do you know a man called Harney?—Yes, I do.

3139. By the *Committee.*] What is his Christian name; John, or Thomas?—John Harney.

3140. Mr. *Bourke.*] Who is John Harney?—He is one of Mr. Purser's sportsmen.

3141. Did Harney give you anything?—He gave me some papers.

3142. When did he give you those papers?—The same evening, when I was about a quarter of a mile from the mill.

[The Witness withdrew.

JOHN POWER was called in; and, having been Sworn, was Examined by Mr. *Stephens*, as follows:

J. Power.

3143. WHERE do you live?—I live in Dungarvan.

3144. What are you; what is your occupation?—Only a labouring man.

3145. Have you ever been in the employment of Mr. Purser?—I have been.

3146. Were you in his employment last December?—I was up in his employment every day till I left Dungarvan to come here, and that was last Sunday.

3147. You are in his employment still?—I am.

3148. Do you remember the 28th of December, the day before the polling in Waterford?—I do.

3149. What were you doing for Mr. Purser that day?—I was carring.

3150. Where?—I left Dungarvan abont nine or ten o'clock, and I went to Colligan, and I remained there till the evening when I got loaded; I was bound for Clonmel.

3151. Did you go to Clonmel that evening?—I did not.

3152. Did anything occur to prevent your going to Clonmel?—There was not.

3153. Do you know a man named John Harnay?—I did not see him at all.

3154. Do you know John Harnay?—I do.

3155. Who is he?—He is a gamekeeper belonging to Mr. Galwey.

3156. Do you know anything as to the state of the road that day?—I do not know anything about it.

3157. Did you start from Dungarvan with the intention of going to Clonmel?

Mr. *O'Malley* objected to any evidence with reference to the intention of the witness.

3158. Mr. *Stephens* (to the *Witness*).] Did you stay at Colligan Wood that night?—I did not; I left the horses there, and came back to Dungarvan to my own house; myself did.

3159. When did you go on to Clonmel?—The Sunday evening.

[The Witness withdrew.

THOMAS WALTER POOLE, Esq., was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

T. W. Poole.

3160. HAVE you an estate in the county of Waterford?—Yes.

3161. Have you more than one denomination?—Yes, several; about five.

3162. Do you know a place called Boolinoontine?—Yes.

3163. In what barony is that?—That is not my property.

3164. Do you know the place?—I know the place.

3165. Have you got a tenant who resides in the neighbourhood of it?—Who occasionally goes there; he has a dairy.

3166. Do you recollect the 27th of December, the day but one before the polling?—Perfectly.

3167. Is that man of whom I have been speaking, named John Brenan?—Yes.

3168. Did you go to Boolinoontine on the 27th of December; that is the Thursday?—Yes.

3169. What aged man is John?—He is an old man upwards of 60, I should suppose.

3170. Did you accompany that man from Boolinoontine to Dungarvan?—Yes.

3171. How did you travel; did you go on the car?—Yes.

3172. With him?—Yes, on an outside car.

3173. Do

3173. Do you recollect your arrival in Dungarvan with that man upon that night?—Yes.

3174. About what o'clock was it?—About half-past 11.

3175. Did you go through the square of Dungarvan, or were you going through the square?—We arrived as far as the square in Dungarvan, when we were stopped by the mob.

3176. About how many persons were there, as you best recollect, in the mob, as you could best estimate?—About 30.

3177. Had they anything in their hands?—Bludgeons.

3178. What did they do to the car and to the horse?—They stopped the horse and surrounded the car, and tried to turn us back, and insisted that we should turn back.

3179. By the *Committee.*] This was in Dungarvan?—Yes.

3180. Mr. *Harris.*] Did you see any policemen there when this was occurring, or just after it had occurred?—Shortly afterwards some policemen came up to us.

3181. How many were there, do you recollect?—I think three.

3182. In consequence of anything the policeman said to you, did you go in a particular direction?—Yes.

3183. Where did you go?—We turned back to the police barrack.

3184. Where is the police barrack in Dungarvan?—In the street through which we had passed; I think it is called Duckswell.

3185. Do you recollect arriving at an hotel or an inn, called "O'Neil's Inn." Just state what occurred to you immediately after you turned?—When the police told me to drive back to the police barrack, and that I would obtain protection there, I was not aware where it was situated, and ordered the car man to drive quickly, hoping to escape the mob; he suddenly pulled up.

Mr. *O'Malley* stated that the name of Brennan was not inserted in the list of those prevented by rioting from going up to the poll, but was mentioned as one of the voters in the barony of Decies-without-Drum, among those who were abducted or prevented from voting owing to undue influence.

Mr. *Harris* stated that he would not further raise the question in this case.

3186. To the *Witness.*] You have already told us what occurred to you. Now, on the next day, did you go to Cappa?—Yes.

3187. About what o'clock?—It was after 12 when we left Dungarvan, and we arrived at Cappa, I think, very nearly about half-past one; I think it was past one.

3188. Had you any policemen with you?—I had.

3189. Had you any cars with you?—Six cars.

3190. For what place did you start from Dungarvan; where were you going when you left Dungarvan?—To my property.

3191. Where is that; is it at other side of Cappa?—The other side of Cappa; a little more than two miles beyond Cappa.

3192. By the *Committee.*] In the Lismore direction?—In the Cappoquin direction.

3193. Mr. *Harris.*] Does it lie to the left or the right, as you leave Dungarvan to go to Cappoquin?—The right-hand side.

3194. Is it in the direction of Mountain Castle?—Adjoining Mountain Castle.

3195. When you got as far as Cappa, did anything occur to you?—We were met by a mob near Cappa gate.

3196. What number did the mob consist of; which side of Cappa gate was it?—The Dungarvan side before we arrived at the Cappa gate.

3197. Had they passed the Cappa barracks at the time?—No.

3198. When you met that mob, about how many do you think it consisted of?—About 200, I should think.

3199. Were they armed with anything?—Sticks.

3200. Did you hear those people say anything, or give you any directions?—A portion of the mob immediately near me were not so many, but they were scattered along the road; a large portion of them were near me with sticks, and headed by women.

3201. Did they say anything to you, or do anything to you?—Yes, they shook their sticks, and said we should not come on; they would not allow us to pass on.

3202. Mr. *O'Malley.*] Was it the women or the men who shook their sticks?—Both.

3203. By the *Committee.*] The women had sticks?—Both had sticks; they struck the ground before the cars, and came as near to us as the police would allow them; as near as they dared come.

3204. Mr. *Harris.*] Did anything happen to the car on which you were riding?—Yes.

3205. What happened to it?—The police first jumped off, and fixed bayonets at the side of the road to defend the car. I was not so quick, and as I was in the act of jumping off, the car I was on was overturned.

3206. Do you know in what way, or by what means it was overturned?—By the pressure of the mob.

3207. What did the police then do?—They formed in an attitude of defence, with their bayonets fixed.

3208. Did the mob continue to do anything, or say anything?—They shouted and gesticulated violently, and ordered us to go back, still brandishing their sticks, and approaching close to us.

3209. What did the police do during this time, or were they doing anything?—Keeping the mob back.

3210. Did you see any clergyman—any Roman Catholic clergyman come up just at that time; do you recollect anything occurring with regard to a Roman Catholic clergyman?—Yes.

3211. Will you state to the Committee what occurred with regard to him?—

Mr. *O'Malley* objected to the question.

3212. Mr. *Harris* (to the *Witness*).] What occurred with reference to the gentleman that you saw?—

Mr. *O'Malley* objected to that question also.

3213. Mr. *Harris* (to the *Witness*).] What did he do?—He rode up from the direction of the mob; from the Cappoquin side; from amongst the people at the Cappoquin side, and having come near us, he stood looking on at us for a while

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a while. One of the police with me said to him—

3214. Was this while the riot was going on?—Yes.

3215. And in the middle of the riot?—Yes.

Mr. *O'Malley* objected to the line of examination, on the ground that no connection was proved between the Roman Catholic clergyman and the mob.

Mr. *Harris* was heard in support of his line of examination.

The *Chairman* stated that the Committee were of opinion that the question could not be asked.

3216. Mr. *Harris* (to the *Witness*).] Did that Roman Catholic priest say anything to the mob; do not say what he said, but did he say anything to the mob?—Yes.

Mr. *O'Malley* stated that he was instructed not to object to anything.

3217. Mr. *Harris* (to the *Witness*).] Did you hear what that gentleman said to the mob?—Yes; but if I may be allowed to explain what I said to him previously; I first spoke to the gentleman in the most friendly way.

3218. What did the gentleman say?—He said, "Boys, don't hurt anyone!"

3219. What did you say in answer to him, or did you say anything?—I had spoken previously.

3220. Will you say what you had said?—

Mr. O'Malley objected to this question.

3221. Mr. *Harris* (to the *Witness*).] Did the gentleman say that to the men, that he desired them not to hurt anybody?—Yes.

3222. What did the mob then do?—They continued their obstruction.

3223. Did they say anything after that?—The same character of shouting and obstruction continued.

3224. How long did that continue to go on?—Probably a quarter of an hour.

3225. Were you detained during this time, and were you unable to pass?—Yes.

3226. Was that near Cappa gate?—Yes.

3227. Did you go along to Cappa house after any time?—Yes, later in the day.

3228. Did you see Mr. Samuel Richard Fitzgerald, the gentleman who was here yesterday?—Yes.

3229. Did he come up to where the crowd was?—He came from the Cappoquin direction.

3230. Was he riding?—Yes.

3231. Did you see any of that mob do anything to Mr. Fitzgerald?—Yes.

3232. What did they do to him?—They were obstructing his passage. Some caught his horse, and some made blows at him with sticks.

3233. Did he ride on?—One struck him, struck his horse, and he galloped on and urged his horse through them, and got to the police barrack.

3234. He reached the police barrack?—Yes, there I joined him later.

3235. Did you hear or see anything later, at a little distance?—Yes.

3236. Where?—In the Cappoquin direction.

3237. About how far from where you were standing did you see that, that which I am now asking you about?—I think about 100 yards, or a little more.

3238. What was it that you saw?—I saw the approach of policemen amongst the crowd, and a conflict.

3239. From what direction did the policemen approach?—Cappoquin.

3240. And then did you hear a shot fired?—Yes.

3241. How far from you do you think that shot was fired; could you judge?—At the scene of the conflict, I should say from about 100 to 150 yards.

3242. Did you hear any other noise besides the noise of that shot?—Yes.

3243. What did you hear?—Blows upon cars, making a loud report.

3244. How long did that conflict continue, about how long?—Five to ten minutes.

3245. And did the persons who were engaged in it subsequently leave that place and go anywhere; did you see them go towards the barrack?—Some of them came up towards the barrack, where we were.

3246. Cappa gate is close to the barrack?—I had previously gone up to the barrack.

3247. Were you afterwards joined by anybody there?—Yes, Mr. Keane.

3248. That is the Mr. Keane who was examined yesterday?—Yes.

3249. In what state where the policemen at the barrack?—In a state of defence.

3250. Did you see any police in the windows?—Yes.

3251. Where was the rest of the force?—Drawn up; some in the garden and some in the road.

3252. Did you then go up to Mr. Usher?—Yes.

3253. By the *Committee.*] How many policemen were there?—I should suppose about 30 altogether of the combined force.

3254. As you were going into Mr. Usher's gate, do you remember anything occurring to you?—Yes.

3255. What did occur to you?—The mob at that time were fewer in number in that locality.

3256. That is in the immediate locality of the gate?—Yes. The women called out, "Stop him! Do not let him pass! Seize him! He is a Tory!" and words to that effect.

3257. Did the men do anything?—The men, with their sticks held up, gradually closed in on me; as I approached the gate, one or two of them raised their sticks over my head; and just as I passed in at the gate, another gave me a thrust of a stick in the side.

3258. Did you then go up to Cappa?—Yes.

3259. And lunched there?—Yes.

3260. How did you go into Dungarvan in the evening?—We subsequently returned to the police barrack, where we awaited the arrival of the escort of cavalry and Lancers.

3261. Did you go in with the escort?—Yes.

3262. Were you able in the course of that day to pass Cappa barrack in the direction in which you were going?—No, it would have been impossible without loss of life, in my opinion.

3263. Were you able to join your tenants?—No.

3264. Did your tenants from the neighbourhood of Mountain Castle come in to vote at all?—No.

3265. You

3265. You do not know what became of them?—Except from hearsay.

Cross-examined by Mr. *O'Malley.*

3266. You did not make the attempt, I think, to go beyond Cappa barracks?—No.

3267. Either that day or the next day?—No.

3268. With regard to the loss of life, I suppose that shot you heard in the field gave you some notion of what loss of life might be?—No, I had formed my opinion long previously.

3269. You did not see any loss of life there?—No.

3270. You say long previously; how long?—On being first obstructed; from the temper of the mob and their fierce attitude I saw we could not oppose them.

Re-examined by Mr. *Harris.*

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3271. You have been asked by my learned friend as to not making an attempt to get on; why did you not make an attempt to get on beyond Cappa?—I felt that it was unsafe; I consulted the constable who was with me, and we concluded that it would be attended with great danger and risk.

3272. By the *Committee.*] From what direction did this shot come?—From the Cappoquin side of Cappa gate.

3273. Did you see any smoke or anything, or only hear the shot?—I only heard the shot.

[The Witness withdrew.

JOHN HARTNETT was called in; and, having been Sworn, was Examined by Mr. *Mundell,* as follows:

J. Hartnett.

3274. Do you live in Lismore?—Yes.

3275. And are you a summons server?—I am.

3276. And are you acquainted with Thomas Slattery?—I am.

3277. A gentleman who was in the room here; you have seen him to-day?—I have.

3278. Did he at Lismore employ you to post any bills for him?—He did.

3279. Did he come to you with any bills to be posted?—He did.

3280. What bills were they that he first came to you to post—He gave me the address of Mr. De La Poer first.

3281. Did he tell you what bills they were?—He told me that they were Mr. De La Poer's bills.

3282. Did he tell you what bills they were of Mr. De La Poer's?—He did not; he did not tell me anything.

3283. What did you do with all the bills that you got?—I posted them.

3284. Look at that newspaper (*handing a newspaper to the Witness*); you can read, cannot you?—Yes.

3285. Just look at that and tell me whether ——.

Mr. *O'Malley* objected to the question on the ground that the Witness did not post the newspaper.

Mr. *Mundell* submitted that he was entitled to give secondary evidence of what was the nature of the bills that were posted, but that the bills which were posted could not be produced.

3286. Mr. *Mundell* (to the *Witness*).] Did you post all the bills which you had from Mr. Slattery?—Yes.

3287. And there were none of them left?—No.

3288. Were they posted in Lismore?—Yes.

3289. Where upon?—They were posted at the police barracks.

3290. Where upon?—Upon walls and buildings.

3291. Not upon anything that you could carry here upon your back?—No.

Mr. *O'Malley* stated that the next step would be for the man to tell what the contents of the bills were.

3292. Mr. *Mundell* (to the *Witness*).] What was the first bill?—The first bills I posted to my recollection was the address of Mr. De La Poer.

3293. It was an address of Mr. De La Poer's; do you recollect to whom it was addressed?—I do not.

3294. Do you know whether it was signed by anybody?—I do not.

3295. Did you not read it when you posted it?—I did, but I did not keep it in my memory; if I was to know the law about it I would have kept it.

3296. Have you seen Mr. Slattery, the agent for the other side, this morning?—Yes.

3297. Did Mr. Slattery say anything to you about the object of your visit here?—He did.

3298. What did he say to you?—He asked me what brought me, and I told him I came to prove the bills and placards.

3299. What placards did you mention to him?—These placards of the Beresfords', about the pitch caps.

3300. Did you say to him that you came to prove——

Mr. *O'Malley* objected to the question.

3301. Mr. *Mundell* (to the *Witness*).] Did you say anything to him about proving the posting of any other bills?—

Mr. *O'Malley* objected to this question as leading the Witness to his answer.

The *Chairman* stated that the learned Counsel's questions were of the nature of leading questions.

Mr. *Mundell* submitted that he had a right to lead the Witness to the subject-matter of the conversation.

3302. Mr. *Mundell* (to the *Witness*).] Will you tell me what bills they were besides that those of the Beresfords' and the pitch cap, that Mr. Slatterly talked to you about?—Mr. Slatterly said, I did give you no bills, except Mr. De La Poer's address, and the bishops, priests', and clergy's address.

3303. He gave you no bills; had anything been said before that by you, as to what object you came here for?—Yes, I told him for the posting of the bills, I had come as a witness.

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3304. For posting what bills?—The pitch-cap bills, the green bills.

3305. And then he said what you have just now said; what did he say about these green bills?—He said, he gave me none of them, and I made him an answer that he did, and he made answer and said that I "was a b——y rogue, and would swear anything," and that is all that passed between us.

3306. Was anything said by Mr. Slattery as to where you got the bills?—He said that I stole them out of his office.

3307. How just tell me, you posted two bills; where did this conversation take place?—Outside the door.

3308. Just tell me, you mentioned to Mr. Slattery two bills, an address and a declaration——

Mr. *O'Malley* objected to the use of the word "declaration."

3309. Mr. *Mundell.*] Were two addresses spoken of, one Mr. De La Poer's address——

Mr. *O'Malley* objected to the question.

3310. Mr. *Mundell* (to the *Witness*).] With reference to this second paper, not Mr. De La Poer's address, but I suppose I may call it now the declaration of the bishops and clergy, this other paper, which was the declaration of the bishops and clergy, what did you do with that, as to posting it?—I posted that on the walls.

3311. Where?—In Callow, Cappaquin, and Lismore.

3312. About what month was that?—I think it was some time in the latter end of November, or the beginning of December, between November and December.

3313. Do you remember Mr. De La Poer coming into Lismore to the procession?—I did; but I did not know the day of the month.

3314. You remember that?—Yes.

3315. Was it before or after that, that you posted them first?—Before that I posted the two first bills, the two different bills.

3316. Was anything paid you by Mr. Slattery for posting those two bills?—Yes.

3317. How much?—I got it in instalments, about 28 *s.* or 30 *s.*; it was in instalments he gave it me.

3318-19. It was at different times, in small sums?—Yes.

3320. Who paid you that money?—Mr. Slattery.

3321. Himself?—Yes.

3322. Did you go down to Dobbyn's Hotel when Mr. De La Poer was in Lismore?—Yes.

3323. What did you go there for?—To give in my bill to him.

3324. Bill for what?—A bill for posting notices, for 2 *l.*

3325. And did you see Mr. Slattery with that bill in his hand, that you sent up?—It was not I that sent it up at all, it was the waiter took it up; Mr. Slattery got it and came down, and I do not know whether he got it or not, but he came down to me.

3326. After you sent up a certain bill, Mr. Slattery came down to you?—He did.

3327. What passed?—He began to scold me, and said that he would give me nothing else, and I said that I did not care which.

3328. Was any money due to you at that time from Mr. Slattery, or not?—There was; I expected to get 2 *l.* from him.

3329. Do you know that bill (*handing a green bill to the Witness*)?—I do.

3330. Did you ever have copies of that bill given to you by any one?—

The Witness was directed to withdraw.

Mr. *O'Malley* objected to the question, and stated that the agency of the person should be proved.

Mr. *Mundell* submitted that his was a legitimate question; he stated that he would prove that it was done by Mr. Slattery, who was the admitted agent of the Candidate.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated, that the Committee were of opinion that the learned counsel might ask the Witness if he received the bills from anybody, and then the Committee would judge of their future course according to the circumstances.

The Witness was again called in.

3331. Mr. *Mundell.*] Did you receive copies of that bill from any one; do not tell me from whom?—Copies of it?

3332. Yes?—I received a copy of that bill this morning.

3333. When you were in Lismore, did you ever receive any bills like that green bill?—On my oath I did not since I posted them; I did not see a bill until now.

3334. Did you receive any bills to post in Lismore?—Yes, I did.

3335. Like that green bill?—Like that green bill.

3336. How many did you receive?—Six or seven.

3337. Did you post them?—Yes, I did.

3338. Where?—About the town.

3339. By the *Committee.*] Only in the town of Lismore?—And a few in the the town of Cappoquin.

3340. Mr. *Mundell.*] Were you paid anything for posting that bill?—I got 4 *s.* for posting them.

3341. From whom?—From Mr. Slattery.

3342. Did you see any other of those green bills posted by any any one else?—I did.

3343. By whom was that?—By a boy called Timothy Welch.

3344. Who is he, what business does he follow?—He is a runner for the bank.

3345. Where was he posting them up?—Over at Lismore.

3346. How many did you see him post up?—I merely saw him posting a few, but he had a good many of them in his hand.

3347. Was that the same time that you had yours?—Mine was after, but that was before mine.

3348. About when was that?—Sometime before the election.

3349. How many days before the election?—About five or six days, I suppose; I did not take an accurate account of that.

The Witness is directed to withdraw.

Mr. *Mundell* stated that he should now again propose to ask the question from whom he

he received these bills; he put it upon thi ground, that supposing a bill were put up, which was proved to have been handed to somebody, and posted generally upon the walls of the town, the Committee would be entitled to look at that bill, and to see whether in their judgment it was such a thing as conduced to intimidation, and that bill being open to the public, it was equally open to the Committee to see it without the agency that issued it being proved. He stated that it was proved that Mr. Slattery had paid for the posting of the bill.

Mr. *O'Malley* stated that he would cross-examine the Witness specially upon this point.

The Witness was again called in.

Cross-examined by Mr. *O'Malley.*

3350. You say that Mr. Slattery paid you by instalments?—Yes.

3351. And he paid you for all the work you did?—He did not.

3352. Did you send him in a bill?—I did.

3353. A written bill?—Yes.

3354. That bill would point out what the particular charges were which he paid you in respect of?—No, it would not; I did not put down particular charges at all, I only put down the amount of 2 *l.* for all my work.

3355. And he paid you 2 *l.* by instalments?—He did not.

3356. Did he pay you any part of it by instalments in respect to this bill; have you received any money in respect to this bill of 2 *l.* which you sent up to Mr. Slattery?—I have not.

Examination in chief resumed by Mr. *Mundell.*

3357. Was it before or after you saw Mr. Slattery at the hotel that you posted the green bills?—After.

3358. How long after?—About nine or ten days I should think.

3359. Was the money that you have spoken of as being paid for the posting of the green bills part of the 2 *l.* or not?—I could not tell that it was for the bills, I could not swear to that, but he gave me 4 *s.*; I was expecting to get the balance of the 2 *l.*

3360. Had you posted the bills when you got the 4 *s.* which you speak of?—I had.

3361. Tell me what he said to you when he gave you the 4 *s.*?—"Here are 4 *s.*, and you ought to be well paid for it," says he to me.

3362. By the *Committee.*] By that he meant that you ought to think yourself well paid?—Yes.

3363. Mr. *Mundell.*] How long was it before you got the 4 *s.* from him that you had the green bills to post; how long a time had passed; how many hours or days?—Two or three days.

3364. You mean that he saw you two or three days before he gave you the 4 *s.*?—After I posted the green bills he gave me the money.

3365. But how long after you had posted the green bills?—Three or four days.

3366. And you say that that was about a week after you had seen him at the hotel with the bill for 2 *l.*?—A week, or eight or nine days.

3367. Had you posted then all the green bills that were given you by somebody?—I had posted all the green bills that I got, and then I got the 4 *s.* afterwards.

3368. Mr. *O'Malley.*] All the bills were green bills?—No; all the bills were not green.

Mr. *Mundell* stated that he was about to put the question to the Witness from whom he received the bills.

The Witness was again directed to withdraw.

Mr. *O'Malley* stated that he objected to that question, and submitted that there was no evidence that the Witness was paid for posting this particular bill; and that there were other bills of a green colour besides Mr. De La Poer's address.

Mr. *Mundell* was heard in support of the question.

The *Chairman* intimated that, looking at the observation of Mr. Slattery to the witness that he should consider himself well paid, it would be for the Committee to consider the amount of work that he had done for the money which he had received.

Mr. *Mundell* continued his argument.

Mr. *O'Malley* was heard in reply, and submitted that Mr. Slattery was in no way proved to be connected with the posting of those bills.

The Witness was again called in.

3369. By the *Committee.*] You stated that you received 4 *s.* from Mr. Slattery after you had posted three sets of bills for him, is that so?—Yes.

3370. Where did you receive that money?—I received it in the town of Lismore, near the hotel.

3371. Was it in the street?—It was in the street.

3372. Did you meet Mr. Slattery, or did you go to him?—I went to Mr. Slattery for my wages.

3373. Your wages for what?—For posting bills; to get paid for posting bills.

3374. And where did you see Mr. Slattery?—At the hotel, outside the door, and he going off to Dungarvan; he sent me for change of a pound note, and I went and got the change of the pound note, and he gave me the money out of it.

3375. What did you say to Mr. Slattery?—I said that I had posted the bills, and wanted to get paid.

3376. And what did Mr. Slattery say to you?—He gave me the money, and said I was very well paid.

3377. In what shape did he give you the money?—I could not say.

3378. Did he give you the 4 *s.*, or did he give you more than the 4 *s.*?—He only gave me 4 *s.*

3379. Did he tell you to go and get change for a larger piece of money?—He gave me a pound note to go and get change for it across the street, and when I brought back the change he gave me the money.

3380. Did anything else occur then at the time?—That is all that occurred; he paid me; and I had nothing more to say to him.

The Committee-room was cleared.

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After a short time the Counsel and parties were again called in.

Chairman.] The Committee are of opinion that the Witness may be asked the question, "From whom did he receive this bill."

3381. Mr. *Mundell* (to the *Witness*).] From whom did you receive that green bill?—Mr. Slattery.

Mr. *Mundell* stated that he now proposed to read the bill.

Mr. *O'Malley* submitted that, before the document was put in, he had a right to cross-examine the Witness upon it.

Cross-examined by Mr. *O'Malley*.

3382. In the first place, how many green bills were there?—I got only six or seven.

3383. Was not every bill that was given you by Mr. Slattery a green bill?—No, every bill was not.

3384. What was the colour of the other bills?—There was white in some of them.

3385. Some of them were white?—Some of them were white, to the best of my belief; they were different colours the bills that I got.

3386. Will you swear that the address of the clergy was not a green bill?—I will swear that it was a green bill.

3387. Was not Mr. De La Poer's address a green bill?—They were white and green altogether; there were all sorts.

3388. Mr. De La Poer's?—To the best of my belief; I did not bear it in mind; but I posted the bills; I cannot bear in mind what colour they were; I know they were green; they were different colours.

3389. But there were some of all of them green?—There was.

3390. You have looked at this bill?—Yes.

3391. And you say that you can read?—I can.

3392. Upon your oath, did you get that from Mr. Slattery (*handing a bill to the Witness*)?—I got bills similar to this.

3393. On your oath, did you get a bill similar to this?—On my oath, I did.

3394. Do you know Mr. Parker?—I do.

3395. Who sent you here?—I do not know who sent me here.

3396. This is the bill that was found in Mr. Slattery's office, as my learned friend opened?—On my oath, I never knew anything about it.

3397. Did you see Mr. Parker before you came here?—I did not.

3398. Who sent you here?—I do not know who sent me here; Captain Keane was the man who asked me, did I post the bills.

3399. Who sent you here?—Mr. Hearne was the man who told me. I know nothing about it.

Mr. *Mundell* submitted that he was entitled now to put in that bill as a part of his case.

Mr. *O'Malley* contended that the bill could not be put in in the examination of the Witness until he had cross-examined the Witness.

The *Chairman* asked whether a document could not be put in until after cross and re-examination.

Mr. *O'Malley* stated that no document could be put in from the hands of a Witness until the opposite Counsel had an opportunity, if he pleased, to cross-examine the Witness specially about it. He stated that it was a matter of doubt upon which courts had decided differently, whether he could not call witnesses to disprove the evidence before the document was put in, and referred to the case of the trial of Cardinal Wiseman, in which that question arose.

Mr. *Mundell* was heard in support of his right to put in a document in his examination in chief of the Witness. He stated that he had traced the paper to the hands of the agent of the Sitting Member. He further urged that those bills were not in the condition of copies, all having been struck off from one impression. And that unless in the discretion of the Committee, Mr. O'Malley could show by a few questions that this document was improper evidence, he was entitled to put it in and have it read in the examination in chief of the witnesses.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee understood that it was Mr. O'Malley's contention that he might cross-examine the Witness specially as to this point, and that after the re-examination upon this point, it would be for the Committee to say whether that document should be put in or not.

Mr. *O'Malley* asserts that he is entitled to a full cross-examination of the Witness before any document can be put in, and that he does not propose to make a special cross-examination.

Chairman.] The Committee are of opinion that the best way of treating this will be to propose to put it in, and make it the subject of a special cross-examination, and then the document must be read, and then it may be dealt with as part of the main case on which cross-examination will take place.

3400. Mr. *O'Malley* (to the *Witness*).] Who sent you here?—I do not know who told me to come here.

3401. Who gave you the money?—Mr. Pierce Fitzgerald, in Dungarvan.

3402. Do you know a man of the name of David Power?—I do.

3403. Is he a man in the employ of Mr. Barker?—He is.

3404. Mr. Barker is an attorney, is he not?—He is.

3405. Did not Power send you here?—He did not.

3406. Did he speak to you about coming here?—He told me that there was a telegraph order, and that is all I know about it, to have me go for posting the bills.

3407. I thought it was David Power who brought you here?—I do not know who it was brought me here.

Mr. *Mundell* objected to this line of cross-examination.

Mr. *O'Malley* submitted that this cross-examination was entirely directed to the particular point under consideration.

3408. To

3408. To the *Witness.*] This David Power, you say, told you that there was a telegram for you to come up here?—He sent for me; that is all that I know about it.

3409. Did he talk to you about the bill?

Mr. *Mundell* again objected.

The *Chairman* intimated that as Mr. O'Malley's object was to impugn the credibility of the Witness, that might be postponed to another part of the case.

Mr. *O'Malley* stated that his object was to prove that the Witness did not receive the bill from Mr. Slattery.

3410. To the *Witness.*] Did not Power speak to you about the bill?—He did.

3411. What did he say to you about the bill?—He said I would have to be going to London, that is all I know, for posting the bills.

3412. Did he not tell you what bills you were to say you posted?—He did not.

3413. You swear that?—I do swear that.

3414. Did you ask him?—I did not ask him any such thing; I told him that I did not know anything about them; and there is one thing for certain, it was for posting bills they said that they would send me to London.

3415. Did you ever handle one of those bills when you received it from Power?—I never received it from Power.

3416. Nor from Barker?—Never from Barker, nor Power; never.

3417. Did Power ask you whether you received one from Slattery?—He did not ask me any such thing.

3418. Did Power ask you whether you had received one from Mr. Slattery?—He did not.

3419. Who was present when you received bills like these from Mr. Slattery?—Himself.

3420. Who else?—I do not recollect; the very minute I got them I posted them outside the gate of the police, and opposite his own office.

3421. Where was it you received it?—I received it in Lismore.

3422. Where did you receive it; Lismore is a large place?—I received a bill like that; I received it in Lismore.

3423. Where did you receive it from Mr. Slattery?—At his own house.

3424. At his own house?—In his own house.

3425. Inside or outside?—Just at the door.

3426. Did you go to him and ask him for it?—I did not, he called me; he called me off from the street.

3427. And where did he get the bills from?—I do not know where he got the bills from.

3428. Had he the bills in his hand?—He gave me the bills and went in and told me to stop.

3429. Had he the bills in his hand?—I do not know whether he had, but he went in. He gave me the bills out of his hand; he called me in from the street; I am not sure whether he had the bills in his hand or not at the time, but he gave me the bills out of his hand.

3430. You say he gave you the bills out of his hand, but you do not know whether he had them in his hand; will you swear whether he had the bills in his hand when he saw you outside and called you in, or whether he went into his house again for the bills?—I cannot swear that; but I can swear that he gave them to me at his own door, and called me across.

3431. Were they open or closed when he gave them?—They were folded up when he gave them to me.

3432. Show me how they were folded up?—They were folded up; he gave me a lot of bills folded up.

3433. Will you swear that it was not the declaration of the clergy that he gave you at his own door?—I will not swear that; I know that sort of bills, he gave me seven of them.

3434. Will you swear it was not the declaration of the clergy that he gave you at his own door?—I will not; I will swear that that is the bill he gave me at his own door.

3435. At the same time?—No, previous.

3436. At his own door?—No.

3437. At his own door, will you swear that he gave you any bills but the declaration of the clergy?—I swear he gave me those bills.

3438. Will you swear that he gave you any bills but those of the declaration of the clergy at his own door?—He gave me other bills.

3439. What other bills?—I do not know; I cannot swear that, but he gave me three sorts of bills, that is all I know, and he gave me that for one sort.

Mr. *Mundell* stated that if Mr. O'Malley wished the Witness to give evidence as to another bill, the bill should be put into the hands of the Witness.

3440. Mr. *O'Malley* (to the *Witness*).] Will you swear that you never received anything at his door but the declaration of the clergy?—Often, I did.

3441. Did you not say that you received the declaration of the clergy at his door?—I cannot call to mind whether I did not; I posted them.

3442. Did you receive the declaration of the clergy from him standing at his own door?—Were it not that I did, I could not post them.

3443. Did you not receive from him the declaration of the clergy?—I cannot bear to mind that I did, but I posted the bills.

3444. You cannot call to mind whether you received the declaration of the clergy from him while he was standing at his own door?—I cannot say where he gave them to me.

3445. What I understand is, that you cannot say where you received them?—I do not know whether it was inside or outside that he gave them to me.

3446. Is it true that you cannot tell where you received them?—I cannot bear to mind, because I got so many sorts of bills; I cannot bear it in mind.

3447. It is true, then, that you cannot tell me where he was when you received them?—To the best of my belief, it was in his own office he gave them to me; to the best of my belief, but I will not swear it.

3448. Will you swear it?—I will not.

3449. Will you swear it was at his own door?—I will not.

3450. What makes you recollect this bill more than the others?—The reason that I recollect it so well is that Mr. Slattery fell out with me, and he got another man to post the bills, and he posted the same bills as that, a chap called Timothy Walsh; and after that he got me to post six of them or seven of them after, and the other man assisted him between the two.

3451. And you swear that you saw this bill, and read this bill?—I swear that I did.

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Mr. *Mundell* stated that he now proposed to put it in.

(*The same was handed in, and read, as follows*):—

"Electors of the County of Waterford—

"Who will you vote for?

"For De La Poer or for Talbot; for the friend of the people, or for the descendant of her hereditary enemies, the Beresfords? Remember '26; remember the chivalrous Stuart—all his services and his sacrifices for the people. The old banner of Dromand, which he carried triumphantly in '26, is again unfurled in defence of the people, their rights, and their liberties; and Edmond De La Poer, a man beloved in your country for old memories, has undertaken to bear it aloft. People of Waterford, rally round that banner, and Mr. De La Poer advances to certain victory. In the old time the Beresford bloodhounds hunted your forefathers into untimely and bloody graves.

"Who raised the triangle in the county Waterford? Who used the pitch cap and gibbet, and the cat o'-nine-tails? The Beresfords. What did O'Connell say of them in 26' —'The Beresfords, who were never known to smile except when their victim was writhing on the gibbet.' Will you return the nominee of such a clan? Never. The Beresfords of to-day come to seek your suffrages under the auspices of the muzzlers.

"Will the desendants of the men of '26 accept their nominee?—Never.

"Hurrah, then, for De La Poer, and the independence of historic Waterford!"

Mr. *Mundell* stated that that concluded his examination in chief.

Mr. *O'Malley* stated that he had concluded his cross-examination.

[The Witness withdrew.

Mr. Ambrose Hunt was called in; and, having been Sworn, was Examined by Mr. *Stephens*, as follows:

Mr. *A. Hunt.*

3452. You are a Doctor of Medicine?—I am.

3453. Residing where?—Residing at Dungarvan.

3454. Do you remember the 28th of December?—I do.

3455. On the 28th December did you go to Ballynaneen?—I did.

3456. By the *Committee.*] Where is Ballynaneen?—It is within two miles of Bondmahon.

3457. In which direction—towards Lismore?—Towards Waterford; between Dungarvan and Waterford.

3458. How far from Dungarvan?—About 12 or 14 miles.

3459. Mr. *Stephens.*] Did you go first to Bondmahon that day or to Balynaneen?—First to Bondmahon.

3460. Did you see a person there named Thomas Redman?—I believe it is Thomas Redman.

3461. Did you ask him to accompany you anywhere?—I did.

3462. Is he a voter?—He is.

3463. Did he accompany you?—He did.

3464. Did you ask him to remain anywhere whilst you went elsewhere?—I did.

3465. Did you make an appointment with him to meet you and remain at the Rev. Mr. Millington's house?—I did.

3466. Did you then go to see other voters?—I did.

3467. Did you then return to Mr. Millington's house?—I did.

3468. When you came to Mr. Millington's house, what did you see?—Before getting back to Mr. Millington's house I was told that I would not be allowed——

3469. Do not say what anybody said to you; just answer the questions as nearly as you can; but on your way back to Mr. Millington's house what did you see?—I saw a crowd collected.

3470. Was that crowd violent?—Not at the time.

3471. Was it noisy?—Noisy.

3472. Was that crowd near Mr. Millington's house?—Yes.

3473. Was Redman then inside the house?—He was.

3474. Did the crowd say anything to you, or any person in the crowd?—

Mr. *O'Malley* objected to the question.

3475. Mr. *Stephens* (to the *Witness*).] You were returning from Mr. Millington's house?—Yes.

3476. What did the crowd do going in or coming out; did the crowd oppose you in any way?—They did.

3477. What did they do?—They pelted me with stones, with clods, and with sticks.

3478. By the *Committee.*] Did they throw sticks at you, or did they strike you with sticks? They threw sticks.

3479. Mr. *Stephens.*] Did you hear any cry from the crowd?—Yes; they were shouting.

3480. What was the nature of the shouts?—I cannot recollect.

3481. Do you recollect anything that passed at that time?—I recollect nothing of their expressions. I do not know what they said; they were making a noise and shouting.

3482. Did you go into Mr. Millington's house?—Yes, I did.

3483. Did you attempt to come out of Mr. Millington's house again?—Yes, I did.

3484. Was Redman then with you?—He was.

3485. Did you find any difficulty in going with Redman where you wanted to go?—Yes, very great difficulty.

3486. What happened then?—The crowd tried to tear him off the car; they tried to prevent Redman from accompanying me, and one man threatened to knock my brains out with a stone.

3487. At this time where were you seeking to proceed with Redman?—To Ballynaneen.

3488. In consequence of the violence which you have described, did you make any application for assistance to anybody?—I did.

3489. To whom?—To the constabulary.

3490. Did the constabulary come to your assistance?—They did.

3491. Were

3491. Were they able to restore quiet?—No.

3492. What was done?—They restrained the crowd as well as possible from doing us violence, and they were obliged, as the crowd was so violent, to fix bayonets, and to drive the crowd back at the point of the bayonet.

3493. Where did you procced to, under these circumstances?—I went then to Ballynaneen.

3494. Was Redman with you?—He was.

3495. Where did you go to at Ballynaneen?—I went to the house of Thomas O'Donoghue.

3496. Then you succeeded in getting through the crowd?—I did.

3497. You got with Redman to the house of O'Donoghue?—I did.

3498. Who is Mr. O'Donoghue?—He is a tenant of mine for Ballynaneen.

3499. Had any arrangement been made with regard to the house of O'Donoghue?—It was a depôt for Captain Talbot's voters.

3500. What do you mean by that; do you mean a place for voters to assemble at?—To assemble at.

3501. Then you succeeded in bringing Redman to O'Donoghue's house?—I did.

3502. Did Redman go with you willingly?—Yes.

3503. What did you do next?—I returned to Bondmahon.

3504. And when you returned to Bondmahon was the town quiet?—No.

3505. Was there a continuance of a similar disturbance?—The crowd was increased considerably.

3506. Was anything done to you?—Yes.

3507. What was done to you?—I was pelted and hooted at.

3508. You had a horse and car with you, I believe?—I had a carriage and horses.

3509. With what object did you go back to Bondmahon?—To bring some of my friends to Dungarvan, who intended going that night to avoid the crowd the next day; they intended going to Dungarvan the night before the election, and for that purpose I went back to Bondmahon to collect these friends of mine.

3510. Were your friends able to accompany you to Dungarvan?—

Mr. *O'Malley* objected to the question.

3511. Mr. *Stephens* (to the *Witness*).] When you went back to Bondmahon were you met by your friends?—I went to my friend's house.

3512. Who was your friend?—Dr. Walker.

3513. Did Dr. Walker accompany you to Dungarvan?—No.

3514. Did anything occur to prevent Dr. Walker accompanying you to Dungarvan?—

Mr. *O'Malley* objected to this as a leading question.

3515. Mr. *Stephens* (to the *Witness*).] Did Dr. Walker go to Dungarvan?—No.

3516. Did anything occur to Dr. Walker whilst you were there, or near Dr. Walker?—Yes, a crowd followed us; Dr. Walker's two sons were with me at the time, and the crowd hunted us through the village up the hill to Dr. Walker's house.

3517. Was it a horse and car that you had?—No, we thought it more prudent to leave the horse and the car in the village, and walk quietly down the road, thinking that by doing so they would not molest us.

3518. Where did you go to from Dr. Walker's?—I went back to Ballynaneen.

3519. By the *Committee*.] That was the second time that you had been to Ballynaneen?—Yes.

3520. Mr. *Stephens*.] Did you go to Stradbally?—No.

3521. Had you intended at any time to have gone to Stradbally?—

Mr. *O'Malley* objected to the question.

3522. Mr. *Stephens* (to the *Witness*).] Was any person to have accompanied you to Stradbally?—

Mr. *O'Malley* objected to the question as being too vague.

3523. Mr. *Stephens* (to the *Witness*).] Did you intend to go alone?—I did not.

3524. Do you know Dr. Walker's servant?—I do.

3525. Did Dr. Walker's servant refuse to go to Stradbally?—

Mr. *O'Malley* objected to the question as a leading question, and stated that he would admit the fact that the servant did not go.

3526. Mr. *Stephens* (to the *Witness*).] Did you yourself return to Bondmahon?—I was at Bondmahon at this time.

3527. You returned to Bondmahon that night?—No, I returned to Ballynaneen that night.

3528. Where did you return to at Ballynaneen?—To the house of Mr. Thomas O'Donoghue.

3529. You left the house of Mr. O'Donoghue in the afternoon, and you left Redman there?—I did.

3530. When you returned to the house of Mr. O'Donoghue in the evening, was Redman there?—No.

3531. Were there any other voters in the house?—There were.

3532. Can you give the names of any other voters that you saw, who had assembled at O'Donoghue's house?—I can give the name of one.

3533. Who was that?—James Murray.

3534. By the *Committee*.] Was James Murray in Mr. O'Donoghue's house when you were there in the morning?—He was not.

3535. The first time you saw him at Mr. O'Donoghue's house, was in the evening?—Yes.

3536. Whose tenant is he?—He is a tenant of mine.

3537. Is he a voter?—He is.

3538. In addition to James Murray, did you see any other persons at Mr. O'Donoghue's house who were voters?—I did.

Mr. *O'Malley* objected to the question unless the witness stated that he knew who the persons were.

3539. Mr. *Stephens* (to the *Witness*).] Did you know any other persons there?—No.

3540. How many other persons were there?—I think 14; either 12 or 14.

3541. At what time did you get back to Mr. O'Donoghue's house?—Between six and seven o'clock.

3542. Did you remain there that night?—Not the whole night.

3543. You remained for some hours?—Yes.

3544. How long did you remain?—I remained until after 12 o'clock.

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3545. Between your return at six or seven o'clock and 12 o'clock, did anything happen?—Yes.

3546. Will you tell the Committee what happened?

Mr. *O'Malley* inquired whether this was a case of abduction.

Mr. *Stephens* stated that it was connected with a case of abduction, but that it was at present confined to a case of riot.

3547. To the *Witness.*] Is this in the barony of Decies-without-Drum?—I believe so.

Mr. *O'Malley* stated that the witness's name did not appear in any list of persons abducted in the barony of Decies-without-Drum.

Mr. *Stephens* stated that he would give evidence of riot.

Mr. *O'Malley* stated that he had no objection to that.

3548. Mr. *Stephens* (to the *Witness*).] You returned to the house of Mr. O'Donoghue?—Yes.

3549. Between six and 12 o'clock, did anything happen?—

Mr. *O'Malley* objected to the question, on the ground that the witness in answer to it, might give evidence of an abduction.

3550. Mr. *Stephens* (to the *Witness*).] At Mr. O'Donoghue's house that night, whilst you remained, did you see any mob?—I did.

3551. At what hour did you see that mob, or about what hour?—About half-past ten.

3552. What did the mob do?—They broke the windows.

3553. Did you hear any cries from the mob?—I did.

3554. What were those cries?—I could not say.

3555. Did you hear any expression from any person in the mob that you remember?—No, I did not.

3556. Was anything said to you personally?—I was in bed at the time.

3557. Did you get up?—Yes.

3558. What did you do when you got up?—I tried to dress myself, and I could not succeed.

3559. Why?—The stones were coming in so thick.

3560. Were you in a room exposed to the stones?—Yes; I was in a room in which there were two windows placed at each side, and the bed where I was ——.

3561. Where did the stones come from?—They came in at both windows.

3562. Did they come from the mob?—Certainly.

3563. Were you obliged to leave the room?—No, I did not leave the room.

3564. How did you escape from the stones?—I got in the angle of the room.

3565. Did the mob remain there for any time?—They did.

3566. Were any threats addressed by the mob?—Yes; they sent me up ——

Mr. *O'Malley* objected to this statement.

3567. Mr. *Stephens* (to the *Witness*).] Did you do anything in consequence of the stone throwing?—I barricaded the door.

3568. Did the mob remain all night, or did they go away?—They remained for about an hour in, or about an hour.

3569. You have said (I do not ask any name), but you have said that there were 12 or 14 men in the house; what became of them?—

Mr. *O'Malley* objected to the question, and stated that this had nothing to do with the riotous conduct of the mob.

Mr. *Stephens* submitted that he had a right to ask what became of the men, and that this case was on all fours with the case of the men at Berry's Cross, who were dispersed in consequence of the violence of the mob.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee were of opinion that the question could not be asked.

3570. Mr. *Stephens* (to the *Witness*).] Did the mob go away after some time?—They did.

3571. Had you with you that night a pistol?—I had.

3572. Did you threaten to use that pistol?—At that time?

3573. Whilst you remained in Mr. O'Donoghue's house?—I did.

3574. Before you threatened to use the pistol, what did the mob do?—They threatened to take me away.

3575. Mr. *O'Malley.*] Did you hear the words which the mob used?—They sent up a message.

3576. Did you hear the words?—I did not.

3577. Mr. *Stephens.*] Did the mob go away without you?—They did.

Cross-examined by Mr. *O'Malley.*

3578. You are surgeon to the union, I think?—I am.

3579. May I ask you how many hours you spent on that day perambulating the roads between these two points, the names of which I cannot exactly pronounce, Ballynaneen and Bondmahon; how many hours of the day were you occupied in that way?—I intended remaining out.

3580. How many hours of the day did you occupy going backwards and forwards there?—I left Dungarvan.

3581. How many hours did you occupy going backwards and forwards?—I left Dungarvan at eleven, intending to go back.

3582. I am asking you when you came back?—I did not get back till eleven the next morning.

3583. By the *Committee.*] It was 24 hours from the time you left Dungarvan until you returned?—It is more than that.

3584. Mr. *O'Malley.*] A part of that happened, you told us, after your going to bed at the depôt, as you call it?—At Mr. Thomas O'Donoghue's.

3585. Which you told us was a depôt?—It was a depôt set apart for some of the voters at that side of the country.

3586. And you went to sleep at this depôt, armed?—I did not go to sleep.

3587. You

3587. You went to bed?—I went to bed.

3588. You went to bed at this depôt with a revolver; was that a revolver?—It was a five chambered revolver.

3589. You went to bed there?—Yes.

3590. Are you in the habit of travelling about with a revolver?—No.

Re-examined by Mr. *Stephens.*

3591. Will you explain what you mean by the word depôt?—

Mr. *O'Malley* stated that he had not asked any explanation of the word depôt, a therefore Mr. Stephens was not entitled to re-examine upon it.

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The *Chairman* thought that it was a hypercritical objection, but that, strictly speaking, the learned counsel could not re-examine upon it.

Mr. *Stephens* was heard in support of his question.

The *Chairman* stated that the Committee were of opinion that Mr. Stephens could not re-examine upon that point.

[The Witness withdrew.

Mr. THOMAS O'DONOGHUE was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:

3592. WHERE do you live?—At Crofthew, near Bondmahon, near Ballynaneen.

3593. In Ballynaneen?—Ballynaneen; the town is part of the land of Ballynaneen.

3594. Do you recollect the night of the 28th of December last?—Yes.

3595. Do you know Dr. Hunt?—I do.

3596. Was he at your house that night?—He was.

3597. He went to bed there, I believe?—Yes.

3598. There were other men there, I believe, besides Dr. Hunt?—They were.

3599. Were they voters?—Twelve were.

3600. Do you remember about 11 o'clock that night?—I do.

3601. Did the mob come to your house that night?—Yes, the mob came to my house that night.

3602. What did they do?—First I heard them shout, and then they broke some of the windows.

3603. What did they do then?—They called for the voters that were inside, and said that they should be put out.

3604. What else did they do?—I said that I would not turn any of them out, and then they broke more of the windows, and kept yelling round the house for about half an hour, shouting and breaking more of the windows.

3605. What more did they do?—They did not do any more damage to the house, but broke the windows.

3606. How long did the breaking of windows go on?—I think about half an hour.

3607. Did they break the glass, or the sashes, or what?—Both.

3608. Were there at that time three voters whose names you knew in the house?—

Mr. *O'Malley* objected to the question.

Mr. *Mundell* was heard in answer to the objection.

Mr. *O'Malley* was heard in reply.

The *Chairman*, after consulting with the Committee, said they desired him to state that they would treat this case as a case of riot, and that the question might therefore be put.

3609. Mr. *Bourke.*] Will you answer the question; were there at that time three voters whose names you knew, in the house?—There were.

3610. What were their names?—There were four I knew.

3611. What were their names?—Michael Hearn, Thomas Cummins, Patrick Power, and James Murray.

Mr. *T. O'Donoghue.*

3612. By the *Committee.*] James Murray was in the house?—Yes.

3613. Mr. *Bourke.*] Did the mob that you have spoken of do anything to those voters?—They took them away.

3614. About how many were there in that mob?—I should think there were near 200.

3615. You said they had thrown stones; had they bludgeons or sticks?—A good many of them had sticks and stones, and they broke the windows with both.

Cross-examined by Mr. *O'Malley.*

3616. Where were you?—Lying on a bed.

3617. You said they took the voters away?—Yes.

3618. Did you see any voters taken away, on your oath?—I saw them taken out of the house.

3619. Did you see any voters taken out of the house?—I saw them taken at the door.

3620. Did you see any voters taken out of the house, on your oath?—Yes; they were not exactly taken out of the house.

3621. By the *Committee.*] Then you did not see any voters taken out of the house?—Will you allow me to explain what I mean?

3622. Yes?—They called for the voters several times; during the time they were doing that, they threatened to burn the house down; and then I said I thought it would be better to give them up than have the house burnt.

3623. Mr. *O'Malley.*] You opened the door and the voters walked out?—Yes.

3624. And they went away with the mob?—The voters were called out name by name, and they had to go out.

3625. And they went out, and walked away with the mob?—The whole of them went away except two.

3626. And went away with the mob?—The mob took them.

3627. How did they take them?—They were outside to take them away.

3628. They went away with them?—Yes.

3629. I suppose there was scarcely one of your depôts where they would not have done the same if you had opened the door?—I believe it was against their will.

3630. They were locked up in the house, were they?—No.

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3631. Were not your doors locked?—They might have been locked about an hour before.

3632. Were they not locked at the time?—I could not say one way or the other.

3633. Don't you know that they were?—No, I do not.

3634. You don't know that they were locked up in that house that night?—No; my servants could go in and out as they liked during the whole night.

3635. Do you mean to say that that house had not been locked up; was any drinking going on there?—There would be some refreshment.

3636. Where were they kept?—The men were all through the house.

3637. Where were they kept, where did they sleep?—They were not in bed at all.

3638. How did they amuse themselves?—Some of them were playing cards.

3639. And drinking?—Yes, they had some refreshment.

3640. They were drinking?—Yes, they were doing both.

3641. Drinking whisky?—No.

3642. What was it?—Beer.

3643. Who was taking care of them?—I had two or three servants attending them.

3644. Men servants?—Both men and women.

3645. Who was in the house besides youself?—I had, I think, four or five servants.

3646. Men servants?—Two men and three women.

3647. Who was in the house besides your servants?—Doctor Hunt.

3648. Who else?—Mr. Byrne, a young man from Dungarvan.

3649. Who else was in the house?—There were no others.

3650. Try and recollect who else was in the house; how long had these voters been in the house?—They came at different times during the day.

3651. From what time in the morning?—From eleven in the morning.

3652. And they had been eating and drinking?—Not all the time, I think.

3653. Up to that time?—Not all the time.

3654. And when the door was opened, they went out?—Yes, I told them to go out, or I should have my house burnt, as the mob threatened to burn the house.

3655. Two of them remained?—Yes.

3656. Was the house burnt?—No; they were not aware that they were in it. I thought they had left; they called out their names.

3657. Did they go out when their names were called out?—Yes.

3658. And those two did not answer?—No.

3659. The house was not burnt?—No.

Re-examined by Mr. *Bourke.*

3660. These two you say did not go out?—No.

3661. You told the mob they were not there?—Yes.

3662. (By Mr. *O'Malley.*) I want to ask you this question, was there a barrel of beer ordered to the house that night?—Yes.

3663. Had that arrived?—No, it was broken.

3664. Had it been broken by the mob?—Yes.

3665. That was intended for the voters?—Yes.

3666. Was there any whisky?—No.

3667. Was there any whisky ordered?—No.

3668. Was not there a jug of whisky ordered and intercepted by the mob?—No.

3669. Was there a bottle of whisky?—No; there was no whisky ordered.

3670. That you venture to say?—I do.

3671. Who ordered the barrel of beer?—I did.

3672. Whom was that ordered for, was it for the voters?—Yes.

3673. Mr. *Bourke.*] These two that remained, why did they remain?—Because they did not want to go out, they were afraid.

3674. Were they afraid to go out?—They were.

3675. Did you tell the mob anything about these voters?—I told them they were not there, because I was not aware of it myself at the time.

3676. You believed that they were not there?—I believed that they were not there.

3677. My learned friend used the word "kept," he said voters were kept there, was there any compulsion used to keep them there?—No, not a particle; they were not in the house during the time more than two hours, they were walking about the place all the evening.

3678. Did any of them go there against their will?

Mr. *O'Malley* objected to the question.

Mr. *Bourke* was heard in support of the question.

Mr. *O'Malley* was heard in reply.

The *Chairman* said the Committee thought that the learned counsel could not ask that question.

3679. Mr. *Bourke.*] Did they come with anybody?—They came at different times during the day, many of them separately.

3680. In ones, and twos, and threes?—Yes, in different ways.

3681. Were any of the others locked in your house?—Not to my knowledge.

[The Witness withdrew.

[Adjourned till 11 o'clock on Monday.

Monday, 1st April 1867.

HUGH EDWARD ADAIR, Esq., in the Chair.

GEORGE ORME MALLEY, Esq., was called in; and, having been sworn, was Examined by Mr. *Mundell*, as follows:

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3682. I BELIEVE you are a Barrister at the Irish Bar?—I am.

3683. I believe you were connected with property in the county of Waterford?—In the county of Waterford.

3684. Whose property is that?—The property of a cousin of mine, Mr. Richard Bolton, of Cheltenham; he resides in Cheltenham.

3685. But what is the name of his property?—Ballyshonac.

3686. Whereabouts is Ballyshonac?—On the Waterford side of Kilmacthomas; on the Waterford side of Dungarvan.

3687. Will it be on the left or right of the main road between Kilmacthomas and Waterford?—A little to the right of the main road as you go from Waterford to Kilmacthomas.

3688. Then it will lie between the main road and Ballynaneen?—It is to the right of the road. (*The Witness pointed out the position of the property upon the map to the Committee.*)

3689. I believe you were at Waterford on the nomination day, were you not?—Yes, immediately after the nomination.

3690. And then, after that, did you go on the Wednesday evening to Dungarvan?—Yes.

3691. Mr. *O'Malley.*] Which was the nomination day?—I went on the Wednesday evening.

3692. Mr. *Mundell.*] Now, upon the next morning, that is upon the Thursday morning, did you leave Dungarvan to go in the direction of Ballyshonac?—Yes.

3693. What was your object in going to Ballyshonac?—My object was to meet the tenants who had previously communicated their willingness——

3694. Mr. *O'Malley.*] You must not tell us their intentions?—My object was to meet the tenants of Ballyshonac.

3695. Mr. *Mundell.*] To do what with those tenants?—To go with them when they were going to vote.

3696. Was there a place fixed by yourself at which you were to meet the tenants?—I was to meet them on the lands of Ballyshonac, at the house of one of themselves, a man of the name of James Comyns.

3697. You went, I believe, on an outside car to Ballyshonac, did you not?—Yes.

3698. Did you come, in your way to Ballyshonac, to the house of a man named George Carroll?—Yes, who resides on the Dungarvan side of Kilmacthomas, at about a mile from the town of Kilmacthomas.

3699. When you got there did you despatch a messenger?—When I got to the house of George Carroll, I took the lower road on a car, with George Carroll only, for the purpose of avoiding observation; I took the lower road, and I despatched a messenger for cars to the town.

3700. Tell me what directions you gave the messenger?—To bring cars from the town of Kilmacthomas to Ballyshonac, for the purpose of conveying the voters, the tenants.

Mr. *O'Malley* objected to any statement of the purpose of the Witness.

Witness.] To bring cars to Ballyshonac.

3701. Did you name a house at Ballyshonac to which he was to bring the cars, under your directions?—Yes, to James Comyn's.

3702. Did you then go on with George Carroll to anyone's house?—I went with George Carroll to James Comyn's, then.

3703. Upon arriving there, did you see any of the tenants upon the Ballyshonac property?—Yes; they were not there before me, I may say, but immediately after I arrived there they came into the house themselves, one by one.

3704. Do you know the names of those men who came into the house?—Yes; there was Matthew Gleeson; James Comyns was there at his own house; there was a man of the name of Kelly.

3705. By the *Committee.*] Do you know his christian name?—I have a memorandum to refresh my memory; I suppose I may look at it for the christian name.

3706. Mr. *O'Malley.*] When did you make the memorandum?—I made the memorandum today, but I know it to be correct.

Mr. *O'Malley* objected to the Witness refreshing his memory by referring to the memorandum.

3707. Mr. *Mundell.*] Then we will take it that there was a man named Kelly?—Yes.

3708. Anyone else?—Yes; a man named Whelan, and a man named John Neal, a man named John Magrath, and a man named William Power.

3709. Were those tenants upon the property at Ballyshonac?—All.

3710. By the *Committee.*] Were they voters?—All voters.

3711. Mr. *Mundell.*] Having seen them there, where did they go?—They were dressed in their every-day clothes, and they suggested that they should dress more decently, for the purpose of going.——

3712. Did

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3712. Did they go home?—They went home for that purpose.

3713. About what o'clock was this?—This was about four; between half past three and four.

3714. In the afternoon?—In the afternoon.

3715. Mr. *O'Malley.*] This was Wednesday?—This was Thursday; the day but one before the polling.

3716. At that time had any car besides your own come up to James Comyns' house?—None.

3717. Was a communication brought to you from some one; do not tell me from whom?—Yes, a communication was brought to me.

3718. After receiving that communication did you go anywhere?—I went to the house of one of these voters, who had been with me before at James Comyns' house, and who had gone to prepare to accompany me.

3719. Who was that man?—A man of the name of Matthew Gleeson.

3720. Mr. *Waters.*] What barony does he belong to?—Decies without Drum.

Mr. *O'Malley* inquired whether this was a case of abduction.

Mr. *Mundell* stated that he would postpone that question until after he had proved a riot.

3721. Mr. *Mundell.*] I have it as a fact that you went to the house of a man named Gleeson?—Yes, it was just getting dark.

3722. At any time that evening did any cars arrive at James Comyns'?—Yes, after nightfall; the night was very dark indeed; and after nightfall two cars arrived from Kilmacthomas.

3723. When you say after nightfall, about what hour would that be?—Between five o'clock and half-past five; about half-past five; not earlier than half-past five or six.

3724. Who came up with the two cars?—The two drivers; and I should add that I sent Carroll, as well as I can recollect, as I found the cars not coming as I anticipated; he returned with the car.

3725. Therefore, the two cars came back with Carroll with them?—Yes.

3726. Were there any voters or any people that you knew but him in the house at the time?—When the cars arrived, do you mean, for the purpose of leaving Comyns' house?

3727. Yes?—There were all the persons whom I mentioned except Matthew Gleeson.

3728. That is to say, there were six; you have mentioned seven altogether?—Yes.

3729. Whelan, Kelly, Comyns, Neal, Magrath, and Power?—Yes.

3730. Those are the six?—Yes.

3731. I do not ask what was reported to you, but had you sent out people to make inquiries?—As a fact, I had sent out people to make inquiries.

3732. And certain communications were made to you; I do not ask what they were?—Yes, communications were made.

3733. By the *Committee.*] By persons whom you had sent out?—Yes.

3734. Mr. *Mundell.*] Now, having received those communications, just show me by what road did you start then, after receiving those communications to go to a certain place?—There is a place called Carroll's Cross, on the road from Waterford to Dungarvan, which would be the ordinary road.

3735. Mr. *O'Malley.*] Did you start for Carroll's Cross?—I did not go for Carroll's Cross.

3736. Mr. *Mundell.*] When you started, what place where you going to?—I intended going to Mr. Palliser's.

3737. Is that a house called Comeragh Lodge?—Yes, Comeragh Lodge.

3738. What road would be the direct road from Comyn's to Comeragh House, Mr. Palliser's?—To go by Carroll's Cross.

3739. Having received these communications, by which road did you attempt to go?—By what is called the Robertstown-road, which is in another direction.

3740. Which road of the two was the more direct?—The Carroll's Cross-road.

3741. It would be very convenient to the Chairman if you could point out upon the map the situation of Comyns' house, as near as may be, and of the two roads, one more direct than the other. I cannot find it upon the map, it is on so small a scale; but your knowledge may enable you to point it out.—(*The Witness searched for it on the map.*)

3742. By the *Committee.*] Is it not sufficient that he did not take the usual, the shortest, and most direct road?—That is the fact.

3743. Mr. *Mundell.* In going there is there a hill which you would have to descend in going down by the Robertstown-road?—Immediately from Comyns' house there is a hill.

3744. When you had got a little way below the bottom of that hill, did you observe any person?—I did.

3745. Will you describe what you observed?—I observed a person approaching from the direction to which I intended going.

3746. That is, he met you?—He met me directly; he was dressed, apparently, like one of the labourers of the country, with a stick in his hand. As he approached, one of the voters who was with me directed my attention to him, and I immediately called to him and said, "Who are you?" and the moment I did so he ran past me, and I turned about to intercept his progress, as I saw him going in the direction of Carroll's Cross.

3747. You say you turned about; were you on foot?—I was on foot; we had none of us at that time ascended on the cars, as we were going down the hill; the cars were moving on the road without our getting up.

3748. You turned round?—I turned round when I saw him going more rapidly, and I said, "Stop." I failed in stopping him, and he ran more rapidly when he heard my voice. Getting alarmed, I followed him then, and another man jumped over the ditch beside him, and as they united together, they ran from me in the direction that the man singly had been previously pursuing, and they immediately whistled very loudly.

3749. By the *Committee.*] Do you say two men jumped up, or one man jumped up?—One man had been passing along the road, and another man jumped over a ditch.

3750. Because you say "they whistled," and if "they whistled," the man who ran away in the first instance must have whistled, because that makes the second man?—I c[illegible]y positively

tively as to both having whistled, but at any rate they did whistle.

3751. Mr. *Mundell.*] At any rate there was a whistle from one, or both?—There was a loud whistle, which was immediately re-echoed from behind the ditches, from both the ditches.

3752. Mr. *O'Malley.*] Was it re-echoed or repeated?—Repeated; it was again repeated from behind the house which I had left.

3753. Mr. *Mundell.*] That is James Comyns' house?—Yes.

3754. How far was this spot from James Comyns' house?—Between 70 and 100 yards; it was repeated from behind the house, and from behind the haggard and garden, which was in the rear of it, and in the direction of the hill, which was behind that again.

3755. By the *Committee.*] It was dark, you say, at this hour?—Very dark.

3756. Then you judged of its coming from behind James Comyns' house simply from the sound appearing to come?—The sound appeared to come from that direction, from the direction which I had just left; I immediately, on the whistle being repeated in that way, turned round to see where the voters that had been with me were; they were at a little distance from me, but I could not see them, it was so dark; I then kept moving towards the house. This occurred very rapidly, more rapidly than I can describe it.

3757. Mr. *Mundell.*] Did you observe any men upon the road?—Immediately a number of men jumped from behind the ditch; I heard their feet at first, but could not see them; I then heard their feet approaching me rapidly; the feet of a number of men approaching me rapidly; and one of them dressed in dark clothes rushed against me with great violence.

3758. How far were you, at the time that you saw these men jump into the road, from the cars and the voters?—As I could judge from the sound of their voices, which were immediately in my rear, and to which I was going to allude when Mr. O'Malley stopped me, I could not have been more than three or four yards.

3759. By the *Committee.*] How far from you were the cars when you were walking down the hill with the voters before the first man rushed past you?—I was immediately after the cars, and the men were on both sides of the cars; we were, I may say, round the cars.

3760. But they were not on the cars?—They were not on the cars.

3761. Mr. *Mundell.*] Could you judge from any circumstance how many men there were who jumped into the road?—As nearly as I could calculate, from the noise of their feet, and from what I saw immediately afterwards, there must have been about 150 men.

3762. Tell me what happened to yourself with reference to any of these men who jumped into the road?—One of the number, as I mentioned, rushed against me very violently, before I could escape from him; and to defend myself I threw up my hands and struck him, or at least he came against my thumb and fell from his own violence, I endeavouring to resist him as well as I could, and to keep him off me.

3763. You had not a stick, I suppose?—No; no weapon whatsoever; I put my hand up in that way—(*describing the same*)—and he was rushing very violently, and struck my thumb and fell.

3764. What did you do then?—I heard such a number of feet rushing, and could see dimly persons approaching rapidly, owing to the light dresses which the labourers wear in that country, and I immediately shouted to the tenants, who were behind me, to scatter, and I rushed across the road, and jumped a ditch into the field.

3765. But upon which side did you jump over?—On the left hand side, remote from Comyns' house.

3766. On the opposite side of the road to that on which Comyns' house was?—Yes.

3767. Did you run in any direction?—I then ran up parallel with the road behind the ditch, with my head stooped, seeing a number of people rushing down; a continuation of this violent mob.

3768. Did you rush in the direction of the cars and the voters, or back again in the contrary direction?—Back again, in the direction of what was opposite Comyns' house.

3769. When you were in the field, did anything happen to you?—Two men were running down the field with some weapon in their hands; I could not say distinctly what it was; it looked like a very large stick, and when I saw them approaching I stopped to look out upon the road, as if I were one of themselves; it was my object to deceive them, and when they came close to me, as near as I am to the Chairman, they stopped, attracted by me; I was, of course, naturally a little alarmed; I turned round, and said in a hoarse voice, "Run on to the cars," and I whistled aloud, as closely imitating their whistle as I could; the result was, they ran on to the cars, and I got away in that way.

3770. You then got to Comyns' house?—I jumped over into the road, and ran along as fast as I could to Comyns' house.

3771. Could you hear anything that took place upon the road when you got to Comyns' house?—I could hear distinctly the breaking of the cars, and the sounds of whatever weapons they had, I do not know what they were, smashing the cars, just while I was going in at the door.

3772. You could hear those sounds; did you hear any cries?—Confused noises and voices; I could not swear exactly what they were; I was rather alarmed at the time; but I know that I heard the voices and sounds, but most distinctly the smashing of the cars.

3773. Shortly after that did any persons who had been with you come up to Comyns' house?—No.

3774. Who were they?—Neal, Comyns himself, Kelly, and, as well as I recollect, Magrath; either Magrath or Power, I forget now which; I think either one or the other.

3775. I am not speaking about anything that Carroll said; but did any of those voters say anything to you as to what had taken place, and as to their feelings?—

Mr. *O'Malley* objected to the question on the ground that it was intended to call forth hearsay evidence.

Mr. *Mundell* was heard in support of his question, and submitted that everything that showed the state of terror which deterred the witnesses from voting was admissible evidence.

The *Chairman* inquired whether Mr. Mundell restricted his claim to the expressions of the men to their being made under circumstances

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circumstances which affected the question as a question of riot solely.

Mr. *Mundell* stated that he confined himself solely to that point.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee had decided that the question could not be asked.

3776. Mr. *Mundell* (to the *Witness*).] Do you know anything, of your own knowledge, as to what was done to these cars?—Yes, I saw them.

3777. You saw the cars?—Yes.

3778. When did you see the cars?—That night.

3779. At what time?—Some hours afterwards; some four or five hours afterwards; in the course of that night; I cannot tell the exact time.

3780. You saw some cars in the direction that you had gone?—I knew them to be the cars.

3781. In what condition were those cars?—The shafts were broken, and a portion of the body of one of the cars was broken; that I saw; I cannot say anything more.

3782. By the *Committee.*] They were in such a state that they were not efficient for the conveyance of voters, or for use?—Certainly not.

3783. Mr. *Mundell.*] As to the harness?—The harness was cut; I saw the harness in the driver's hands, cut.

3784. Where did you keep yourself after that?—Immediately on getting inside the house we barricaded it; that is, we got bolts and tables against the doors and windows, and got in a number of pitchforks, and things of that sort.

3785. When you had barricaded the house could you hear the mob in the road?—Distinctly.

3786. Could you hear what they said?—Not every word; but I listened at the window next the road, and could hear voices and angry altercations apparently among the mob themselves.

3787. What were they talking about; what did they say?—I cannot tell you the exact words at present, but I know I heard them talking about "him;" I cannot tell you the exact words.

3788. Was anything to be done with "him;" did you hear them say anything with reference to "him"?—I cannot say that I heard it distinctly enough; I could not swear that.

3789. How long did that disturbance continue?—I should say until about eight o'clock, I think.

3790. When it got late, about two in the morning, did you send any messengers anywhere?—Yes; I sent to Mr. Palliser's.

3791. How many messengers?—Two; one of them was Carroll and the other was Neal.

3792. What directions did you give to your messengers?—I sent them for the police, with a note for Mr. Palliser to come and meet me.

3793. Did they come back again while you were there?—They did not.

3794. By the *Committee.*] You sent messengers to Mr. Palliser's house; were the police, to your knowledge, at Mr. Palliser's, or at the police barrack?—I only sent to his house; I had some knowledge that the police were to be there.

3795. Mr. *Mundell.*] Mr. Palliser is a magistrate?—A magistrate of the county.

3796. About 12 o'clock next day, did some tenants come in?—Yes, some of those tenants who had been with me the night before, and who had been down to Carroll's Cross.

3797. They made some communication to you?—Yes, they did.

3798. Having received that communication, what did you do?—In consequence of that communication, I immediately got a horse out of the stable where I was, mounted him without delay, and rode off for Kilmacthomas.

3799. When you were upon the town-road, opposite Nugent's Cross, did you meet any persons?—There is a forge and public-house nearly opposite Nugent's Cross, and when arriving there I saw a person running quickly into the house, and I immediately galloped on as fast as I could past the house, and I had scarcely gone 20 yards past the house when a mob of people rushed out upon the road.

3800. About how many?—I should say about 30 or 40.

3801. Were they armed with anything?—They shouted; I did not wait to examine closely; I thought I had better not; I galloped on as fast as I could without looking very closely, but their gestures were violent.

3802. What did you do next, after you rode away upon the horse?—I rode to Carroll's house.

3803. Where is that?—At the cross roads, about a mile on the Dungarvan side of Kilmacthomas.

3804. How long did you stay there?—About an hour or two.

3805. Where did you go next?—I had ascertained——

3806. You had some communication?—I had some communication.

3807. And having received a communication, you went where?—I returned back again to Kilmacthomas alone.

3808. On foot, or on horseback?—On foot.

3809. Now, upon your going towards Kilmacthomas, did you get quite to Kilmacthomas?—Not quite to Kilmacthomas; I got to the entrance of the little town of Kilmacthomas.

3810. Who did you meet when you got there?—I met the postmaster, and walked with him down the street, and as I was walking down the street, I saw the cars coming in towards Ballyshonac.

3811. How many cars?—I cannot tell exactly the number, but about 13 or 14, I should think, with police and some of my tenants upon the cars.

3812. Some of the tenants who had been brought in the night before?—Yes, three of them, I think, and Mr. Langley, who was with Mr. Palliser.

3813. Was Mr. Palliser there also?—Mr. Palliser was there also.

3814. And were there any police escorting those cars?—There were; there were about 24 or 25 police; about 25; I did not count them, but I think there were about that.

3815. Will you describe the condition of those people on the cars?—I saw them covered with mud, and their hats broken, and Mr. Palliser was one sheet of mud; his face was all one sheet of mud.

3816. You have spoken about three men; where did you go when you met them?—I got upon the car, and the mob pelted us, and shouted

at

at us very violently, and pelted us with mud and pieces of earth.

3817. What kind of mob was that?—Something like the mob that I have spoken of.

3818. About how many were there in that mob?—I think there were about 80 or 100 people there.

3819. Men, women, and children?—Yes, men, women, and children.

3820. Which preponderated?—The men, I should say.

3821. By the *Committee.*] This was in the street at Kilmacthomas?—This was in the street at Kilmacthomas.

3822. Mr. *Mundell.*] Then where did you go?—We went on to Mr. Palliser's house, and some of the police kept the mob from following us; they made a file across the road, and prevented the mob from advancing while we drove rapidly on, but they followed us afterwards.

3823. You had these three men on the car that had been picked up; did you ever see any more of the voters from Ballyshonac?—About 12 at night, two more of the voters came across the fields and joined me at Mr. Palliser's.

3824. Can you tell me what were the names of those two?—John Neal was one, and Kelly was another.

3825. You spent the night there, at Mr. Palliser's at Comeragh House?—Yes, we spent the night there.

3826. By the *Committee.*] That was another Neal, because you said you sent one Neal to Mr. Palliser's house, and he did not return; this was another Neal, was it not?—No, he had not returned when I left Comyns' house at 12 o'clock; I cannot tell what occurred in my absence.

3827. Mr. *Mundell.*] But the same men you sent out as messengers came back to you at Mr. Palliser's?—Yes.

3828. At midnight on the Friday?—At midnight on the Friday.

3829. Did you, at any time, start the next day, the Saturday, from Mr. Palliser's?—We started about seven o'clock in the morning, just at break of day.

3830. How far would Mr. Palliser's house be from Dungarvan?—Seven or eight miles, I think, but we took a detour and made it perhaps about nine or ten miles.

3831. You did not go the direct road, then, from Dungarvan to Mr. Palliser's?—No, we took what is called the sea-road; more down towards the sea.

3832. Did you start on cars from Mr. Palliser's?—Yes.

3833. How many cars were there?—I think there must have been between 30 and 40 cars; about 40 cars, I should say; more than 40 cars; something between 40 and 60 cars, I should think.

3834. Were there any police?—There were about 30 police.

3835. And proceeding towards Dungarvan, did you at any time meet any escort of Lancers or troops?—The first sight we got of the Lancers was, I think, within about two miles of Dungarvan.

3836. Did you overtake them, or did they overtake you?—They were waiting at a particular spot round the side of a hill.

3837. Can you give me the name of the place?—I cannot name it exactly; it is near a defile in the hills where there is a large causeway.

3838. How far is this from Dungarvan?—About two miles out of Dungarvan.

3839. When you came up to them, had they any other people on cars with them?—No.

3840. Then you went on to Dungarvan with the Lancers?—We went on with the Lancers on the cars.

3841. Mr. *O'Malley.*] How many Lancers did you say there were?—I think there was a troop; we met Captain Orred with his troop.

3842. Mr. *Mundell.*] There were 27, we have had that proved already. Now when you went into the town what happened to you as you were going in?—Just immediately before we came to the causeway, we got off the cars; all the voters got off the cars; we advanced past the cars, leaving them behind us; we saw a number of military, I think about 200 infantry and 100 police. The infantry and the police made double files on either side of the causeway; going on towards the bridge, we went between those double files on either side, with one portion of the Lancers advancing in front in file across the road, and the other following behind, and we advanced thus in the centre. I kept in the rear of the voters, some of whom were falling back a little, for some reason or other, and I asked them to keep together, and I kept in the rear.

3843. Did you pass an enclosed space near the Shandon road?—When we came to that enclosed space which is surrounded by a high railing, I saw two or three large heaps of unbroken stones inside the railing.

3844. Just tell me, shortly, was any violence offered by any part of the people in the crowd to you?—To me personally?

3845. No, to the voters?—I saw a number of people take stones and fling them at the voters and at the Lancers, but more particularly at the Lancers; these people were in that enclosed space on the right hand side of the road as we came in.

3846. Mr. *O'Malley.*] I think that is that triangular bit?—Yes.

3847. Mr. *Mundell.*] Did the stones come in volleys or singly?—They came in volleys.

3848. And many volleys?—Very many; very large volleys indeed, and they came with particular violence towards the Lancers.

3849. By the *Committee.*] And all this time you were in the rear of the procession?—I was, and had a full opportunity of seeing what was going on immediately before me, for the stones, instead of going over my head or behind me, were going immediately in front of me; the people were right in front of me who were throwing them.

3850. Did you go at that time up towards the polling booths with any voters?—No, not exactly at that time; some time afterwards; I then went on to where the voters went into a yard, where they were separated from the mob, and I afterwards went into the polling-booths.

3851. I do not want you to go into detail, but tell me, generally, in going up towards the polling-booth, what was the general state and condition of the town?—The town was in an extremely disturbed state; the immediate vicinity of the Court-house was quiet enough, for there was no mob there, but inside one of the polling-booths, I cannot tell exactly the name of it, but it was the Court-house proper, there was a very violent mob indeed.

3852. You said that the town was generally in an excited state; was there anything in the neighbourhood

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neighbourhood of the Court-house to account for the quiet?—The presence of the Lancers, who were still riding up and down, and the presence of the military, and the large bodies of police who were drawn up.

3853. Were they drawn up so as to stop up the entrances, and keep the way clear?—Yes.

3854. The other part of the town, in your opinion, was much disturbed?—Very much.

3855. By the *Committee.*] We have not had it, that all the polling was in the Court-house?—It was within the building of the Court-house.

Cross-examined by Mr. *O'Malley.*

3856. I should just like to have the muster-roll of your forces upon that occasion; you had 200 infantry?—I cannot give you the accurate number, but I should say there were about 200 infantry; I saw one troop of Lancers, I cannot say as to the number of the troop.

3857. You were met by another, were you not?—I cannot say that there was a full troop in the first body.

3858. But about two troops of Lancers; and how many police?—About 100.

3859. Was that the time when the Lancers ran down the side of the river?—Before that.

3860. A man was killed?—A man, I believe, was killed.

3861. May I ask whether you are agent for this gentleman?—Yes, I acted as agent.

3862. Not as agent on that occasion only, but are you his agent; do you collect his rents?—Yes, I collect his rents; this is a small property that he has in Waterford, and he is a near connection of my own.

3863. I wanted to know whether you were his regular agent?—For that particular occasion.

3864. By the *Committee.*] Were you simply agent *pro hac vice*, for this occasion, or generally?—Generally.

Mr. *Mundell* stated that he did not propose to re-examine the Witness.

3865. By the *Committee.*] Do you consider the polling places in the county of Waterford sufficient for the convenience of electors; do you consider Dungarvan sufficient?—I certainly think not. I think the people have to be brought far too great a distance, at a very great inconvenience, and it is calculated, I think, to interfere very much with the proper carrying on of the election; it adds of course to the obstacles that may be thrown in the way in the long removals.

[The Witness withdrew.

CHARLES LANGLEY, Esq., was called in; and, having been sworn, was Examined by Mr. *Harris*, as follows:

C. Langley, Esq.

3866. WHERE do you reside in the county of Waterford?—Tay Lodge, in the neighbourhood of Kilmacthomas, about five miles from it.

3867. Is that near Mr. Palliser's place at Comeragh Lodge?—Very close to it.

3868. Do you recollect the 27th December, the second day before the last election; the last polling day?—Yes, I do.

3869. Were you in Dungarvan on that day?—Yes.

3870. Were arrangements made by which you were to undertake any duty on the next day; I shall not ask what the duty was, but were arrangements made?—Yes.

3871. On the morning of the 28th, that was Friday, did you go to Kilmacthomas?—Yes.

3872. Had you been at your own residence the evening before, Tay Lodge?—Yes.

3873. On your way from Tay Lodge to Kilmacthomas, do you recollect arriving at a place called Laura's Cross?—I do.

3874. How far is that from Kilmacthomas?—A mile and a half, or perhaps two.

3875. What time was it that you were at Laura's Cross?—Between eight and nine, I should say.

3876. When at Laura's Cross did you receive any communication from Mr. Malley?—Yes, I received a communication.

3877. Was it in writing?—It was.

3878. Have you got that letter?—No, I have not; but I have a copy of it.

3879. In consequence of that communication did you proceed on to Kilmacthomas?—Yes.

3880. And had you an interview in Kilmacthomas with the driver of Lord Waterford; with the bailiff of Lord Waterford?—Yes.

3881. What was that man's name?—George Carroll.

3882. By the *Committee.*] This was between eight and nine on Friday evening?—No, on Friday morning.

3883. Mr. *Harris.*] He is a rent-warner, I believe, of Lord Waterford?—I believe he holds some occupation of that sort, but I am not particularly acquainted with it.

3884. Do you know he is a rent-warner of Lord Waterford?—I believe he is; but not being connected with the estate of Lord Waterford I cannot say so distinctly.

3885. Did you know of the arrangement that the cars should come to Kilmacthomas?—

Mr. *O'Malley* objected to the question.

3886. Mr. *Harris* (to the *Witness*).] Did you expect cars at Kilmacthomas?—Yes, I expected to have met cars at Kilmacthomas.

3887. Did the cars that you expected to meet you arrive at Kilmacthomas?—Some of them.

3888. How many?—Eleven or twelve out of them.

3889. How many did you expect?—From 35 to 40; about 40.

3890. And how many arrived?—I should say that those that arrived from a distance were about 10 or 12, and there were about the same number in Kilmacthomas; that is about half the number that should have met me.

3891. Mr. *O'Malley.*] Do not say that?—Half the number that I expected.

3892. Mr. *Harris.*] Did you, in consequence of the communication which you had received from Mr. Orme Malley, make any application to the police at Kilmacthomas?

Mr. *O'Malley* objected to the question as a leading question.

Mr.

Mr. *Harris* was heard in support of his question.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated the Committee were of opinion that the question could not be put in the form in which it had been put.

3893. Mr. *Harris* (to the *Witness*).] Did you make any application to the police?—Yes.

3894. Did they refuse to act?—

Mr. *O'Malley* objected to the question.

The *Chairman* stated that the question could not be put.

3895. Mr. *Harris*.] Are you a magistrate?—No.

3896. Did the police act upon your requisition?—They did not.

3897. Where did you go to from Kilmacthomas, immediately after this?—I returned to Comeragh House.

3898. To Mr. Palliser's house?—Yes.

3899. Did Mr. Palliser, of Comeragh, return with you to Kilmacthomas?—Yes.

3900. When you got to Kilmacthomas, what did you and Mr. Palliser do?—Mr. Palliser called upon the police.

3901. Is Mr. Palliser a magistrate?—Mr. Palliser is a magistrate of the county.

3902. And what did you and he do?—We proceeded with the police, taking some empty cars in the direction of Ballyshonac.

3903. Was that Mr. Orme Malley's property?—The property in which Mr. Orme Malley is concerned.

3904. Going to Ballyshonac, did you see anything on the road?—I saw the remains of some broken cars.

3905. How many do you think there were?—Four or five, I think.

3906. In what state were they?—The shafts broken, and injured in different ways.

3907. Were they capable of being used?—Not without troublesome repairs, which would take some time.

3908. Now, about what time did you arrive at Carroll's Cross?—I think about 12 or 1 o'clock.

3909. That is Carroll's Cross, upon the lands of Ballyshonac?—Yes, situated upon the lands of Ballyshonac.

3910. Where did you go first, upon arriving at Carroll's Cross?—I went first to a voter named Thomas or Patrick Whelan.

3911. Did you go with him anywhere; did you go to his house?—I went to his house.

3912. And what became of that man; did he go with you?—He did.

3913. Where to?—To Comyn's house; the house of another tenant.

3914. During this time, where was Mr. Palliser?—Mr. Palliser remained with the police.

3915. Did you leave Mr. Palliser?—Mr. Palliser remained with the police when I proceeded to Whelan's house.

3916. When you left that place did you leave any person of the name of Curran behind you; do you know a man of the name of James Curran?—Yes; I sent him on to Granan, the adjoining townland, to collect the tenantry of that townland, and ask them to accompany me.

3917. Did you go in company with anybody to Carroll's Cross; how far were you from Carroll's Cross at this time?—A very short distance, 200 or 300 yards, perhaps. *C. Langley, Esq.* 1 April 1867.

3918. Did you go to Carroll's Cross?—On leaving Whelan's house we passed by Carroll's Cross, on our way to Comyn's house.

3919. Did anything happen to you when passing by Carroll's Cross?—Not at that time, but on returning.

3920. Will you state to the Committee what occurred to you, whether you saw any persons there?—There were a crowd of persons collected there, of men and women, and as we approached the line of cars in the front, with the police sitting upon the cars, this crowd of people saluted them by throwing dirt and water, the dirty water which they had collected in tin vessels of different kinds, and they shied it at the horses' heads.

3921. About how many persons should you suppose there were in that crowd of which you have spoken?—Just then I should say there were 40 or 50; the crowd increased.

3922. Was it subsequently that it increased?—Subsequently it increased.

3923. Were the persons in the crowd saying anything, or shouting anything?—They were shouting for De La Poer; "Down with the Tories," or something to that effect, yelling and making a great noise; it was very hard to distinguish what they were saying.

3924. What happened to the cars?—The cars diverged to the left-hand side instead of going to the right, which was the direct road to Kilmacthomas.

3925. What happened to the police?—The police jumped off the cars.

3926. Were the voters on the cars?—The voters were on the cars, and when they heard this noise and confusion, they jumped off the cars and ran away a short distance.

3927. Did they return?—I followed them and asked them to come back, and some of them did, and others said they were afraid.

3928. Did the police do anything?—Yes, it was necessary for the police, during the confusion and rioting, to fix bayonets, and to protect us in some way; they fixed bayonets and drove the mob before them, but it had increased very much whilst I was looking after those voters.

3929. What do you mean by "had increased"?—The mob had increased very much; a number of men came down from the direction of Newtown with sticks, and were shouting.

3930. How far from Newtown is that place?—About a mile and a half, or thereabouts.

3931. You say that they came from the direction of Newtown?—From that direction.

3932. Do you know a man of the name of Patrick Kearsay?—Yes, he was a voter on one of the townlands, and I was to have met him.

3933. Did you at that time hear the mob say anything besides what you have already said?—Nothing that I remember.

3934. Did you then proceed?—Yes, I proceeded in the direction of Granan, which is the adjoining townland, but on another road, and another by-road in the direction of Kilmacthomas.

3935. By that road did you get into Kilmacthomas?—Yes.

3936. About what time did you arrive at Kilmacthomas?—A little after 3 o'clock, I should think.

3937. Was there any delay in Kilmacthomas?—There was some delay in collecting the cars and

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and having the horses fed, and the men fed, that had accompanied us to Ballyshonac, for they, too, were to have come on and brought some of the voters who were collecting in Kilmacthomas; we were short of cars.

3938. At what time was it that you left Kilmacthomas?—It was beginning to grow dusk, and I should suppose it was about four.

3939. When you got into Kilmacthomas, what state was the town in?—The village was quiet just at that time.

3940. Before you left Kilmacthomas, before it got dusk, before you started for wherever you were going, was it equally quiet?—No.

3941. What occurred, or did anything occur in the meantime?—Before we left Kilmacthomas a large mob came down from the direction of Newtown, and they were prevented from coming into the town by the police having drawn their men up.

3942. Mr. *O'Malley.*] Did you see all this?—Yes, I saw all this; the police were drawn across the road; it was at my request; the police threw men across the road, and prevented the mob from coming into the town, for the cars were collected in a sort of square, which there is in the town of Kilmacthomas, and they were having the voters assembled preparatory to starting.

3943. Mr. *Harris.*] How were the police drawn up?—The police were drawn up across this small square in front of a row of houses, and I asked one of the constables to place some of his men across the road, and prevent the mob coming into the town.

3944. Did you then start?—In a little time, with a little delay.

3945. When you started did anything occur?—Yes; when we started it was necessary that the police should accompany us, and they formed into a close compact body, and necessarily then the mob had permission to go into the town and follow us, and they did that, shouting and making a noise; and as we were obliged to go very slowly through the village up a steep hill, they came up alongside the cars, and kept throwing dirt and stones.

3946. Did you see those stones strike anybody?—I felt them strike myself.

3947. Did you see any person injured with the stones?—I saw the injuries, but I did not see the stones strike; Mr. Palliser was struck on the head, but I did not see the blow given.

3948. Did you see his head?—I saw his head, and those of many voters, who had been struck.

3949. Was that after you had passed through Kilmacthomas?—Yes.

3950. Where did you see the injuries upon Mr. Palliser's head?—At Comeragh House afterwards.

3951. Did you hear of the injuries in the morning?—No, he did not complain to me, but he told me.

3952. Is there a steep hill which you have to pass by in going up through Kilmacthomas?—The road leading out from the town is rather steep, not very, but we went slowly; but through the town we necessarily went slow on account of the steepness and of the crowd.

3953. Is this all that went on, on account of the throwing of stones and shouting?—One of the voters was taken off a car in Kilmacthomas, but I cannot swear to that.

3954. Did you reach Comeragh Lodge that evening?—Yes.

3955. Did you spend the night there?—Yes; it was a sort of rendezvous for Mr. Palliser's own tenants, and for other adjoining tenants.

3956. By the *Committee.*] Did all the voters on the cars that came out of Kilmacthomas, on the Friday afternoon, stay at Comeragh House that night?—Yes, what were not taken away from us in Kilmacthomas.

3957. All those that reached Comeragh House stayed there?—They stayed at Comeragh House that night, and accompanied us to Dungarvan next day.

3958. Mr. *Harris.*] What time did you leave Comeragh House the next morning?—Between six and seven o'clock, I think.

3959. That was the polling day at Dungarvan?—Yes, that was the polling day.

3960. Had you any escort starting with you?—We had the police, who accompanied us from Kilmacthomas, and remained at Comeragh House during the night, and accompanied us also into Dungarvan by a circuitous line.

3961. You went by a different road, and not by the main road?—Not by the main road.

3962. What is the name of the road you went by?—We went by the Stradbally-road.

3963. What is that usually called?—The road to Stradbally and the Ballyvoyle-road.

3964. Do you recollect, on your way, meeting a party of cavalry?—Yes.

3965. Where did you fall in with those cavalry?—At the townland of Cloneagh, about four miles from Dungarvan.

3966. Were those Captain Orred's troop of Lancers?—They were a troop of Lancers; I do not know whose.

3967. How many voters were going with you from Comeragh House to Dungarvan that morning?—I think from 150 to 200; I could not say exactly without reference, but there was a great string of cars, and I should say about that number.

3968. And how many police had accompanied them from Comeragh House until you fell in with the Lancers at Cloneagh?—About 20.

3969. By the *Committee.*] How many cars were there?—I should say there were 70 cars, that is, conveying the voters.

3970. Who were in this procession?—Yes.

3971. How many voters do you say there were?—From 150 to 200 voters.

3972. And 20 police?—About that.

3973. Those escorted you from Comeragh House to Cloneagh?—Yes.

3974. Where you met the cavalry?—Yes; all that number of cars did not leave Comeragh House, we picked up some on the way, some of Mr. Beresford's tenants, and Sir Edward Kennedy's tenants, which increased the number of cars to that number; that is about the number, but about 30 to 35 cars left Comeragh House on the morning of the day of polling.

3975. Mr. *Harris.*] At the time you met the cavalry there were about 70 cars?—I think so.

3976. Did the troop of Lancers that you met, Captain Orred's, accompany you from Cloneagh to Dungarvan?—Yes; and at Cloneagh the officer in command sent on a messenger with a policeman to ask for a reinforcement.

3977. Did you, in point of fact, between Cloneagh and the bridge of Dungarvan, meet any other military men, any other troops?—Yes, we met more Lancers and infantry at the Abbey side.

3978. Is that at the Comeragh side of the bridge of Dungarvan?—Yes.

3979. Do you recollect what infantry you met there?—No; I could not tell what the numbers were.

3980. How were they disposed?—When I saw them they were drawn across the direct road leading to Waterford from Dungarvan, and as we passed the bye-road we met them; we passed by them, and they fell in and escorted us; they fell in on our flank at both sides.

3981. Do you recollect crossing the bridge at Dungarvan?—Yes.

3982. When you got over the bridge at Dungarvan, and arrived at what is called the "Causeway," do you recollect what occurred.

The *Chairman* stated that evidence had already been given before the Committee upon this point, and that it was unnecessary to pursue this evidence, unless some fresh points were to be adduced.

3983. Mr. *Harris* (to the *Witness*).] How long have you been an elector of the county of Waterford?—Ten or twelve years, I should say; I do not remember exactly.

3984. Are you aware of Captain Talbot, the present petitioner, having represented the county of Waterford on a former occasion?—Yes, I remember him.

3985. Do you know that he was a Representative for Waterford?—Yes.

3986. Do you know a Mr. James Barry, a solicitor, from Youghal?—No; there is such a person, but I do not know him personally.

3987. Do you know Mr. Hodnet, a solicitor, from Youghal?—Yes.

3988. Did you see him in Dungarvan in any of the booths?—I saw a person whom I believed to be Mr. Barry.

3989. Do you see a small mark upon that sketch (*handing a sketch to the Witness*); is that the situation of Mr. De La Poer's committee-room?—Yes.

3990. By the *Committee.*] Is the police barrack of Dungarvan in Blackpool-street, the same street as that in which Mr. De La Poer's committee-room was?—Yes.

3991. Is it nearly opposite to it, or at some distance from it?—At the opposite side; at a very short distance from it.

3992. Mr. *O'Malley.*] Directly opposite?—Almost.

3993. Mr. *Harris.*] Is that committee-room at a Mrs. O'Neil's?—Yes.

3994. Is that an hotel?—I believe it is.

3995. It is in Blackpool-street, is it not?—It is in Blackpool-street.

3996. Do you know what the greatest distance is that the voters must go to Dungarvan in order to vote; have you ascertained that from the map?—I have not ascertained it from the map, but I know many of the localities very well.

3997. What is the greatest distance?—From Ballyshonac to Dungarvan is a distance of about 18 miles.

3998. Are those Irish miles or English?—English miles.

3999. From Clonmel, do you know the road to Dungarvan very well?—Yes, perfectly well.

4000. What distance is that?—About 26 English miles.

4001. And do you know the distance from Youghal to Dungarvan?—Thirteen or fourteen miles, as well as I recollect.

4002. And all those are in baronies which poll in Dungarvan?—Yes.

4003. Decies-without-Drum, and Glenahiry?—Yes.

Cross-examined by Mr. *O'Malley.*

4004. The polling place for this district was changed, on the application of Lord Stradbroke, was it not?—I do not know anything about it; I know that they used to poll at Carrick-on-Suir.

4005. By the *Committee.*] How far is Carick-on-Suir from the most distant part of the barony of Glenahiry?—I could not say as to that, without measurements.

4006. Mr. *O'Malley.*] About how far is it?—I could not say.

4007. Is it about 10 Irish miles?—I could not say.

4008. By the *Committee.*] At all events, it was nearer to the most distant part of Glenahiry than Dungarvan is?—I have mentioned 26 miles as the distance from the most distant part of Glenahiry to Dungarvan; but the distance from the most distant part of Glenahiry to Carrick-on-Suir is more than 10 Irish miles, I should say.

4009. It is a shorter distance?—Yes.

4010. You say it is 10 Irish miles that they have to go?—No; it is the learned counsel who says it is 10 Irish miles.

4011. You say it is more distant?—I think it is; I could ascertain the distance in a short time.

4012. Mr. *O'Malley.*] What are you?—I am a land agent and farmer, and also the borough surveyor of Dungarvan.

4013. Whose agent are you?—Lord Dunsany's and Mr. John Palliser's.

4014. Mr. John Palliser was a great supporter of Captain Talbot at the last election, was he not?—Yes, he voted for Captain Talbot, and his tenants.

4015. That is not the question I asked; he was a great supporter of his, was he not?—Yes, he was.

4016. A very active partisan?—I do not know what you call a very active partisan.

4017. What do you mean by collecting voters at his house the night before?—You might call it by that name.

4018. Upon your oath, was he not an active partisan?—I will not say partisan; I will say he was an active supporter.

4019. And how many voters had he at his house that night?—He had his own tenantry and the tenantry which he brought up from Kilmacthomas.

4020. I asked how many voters had he in his house that night?—I do not like to say from memory.

4021. You know that you were taking an active part, and you were watching over them; how many voters were there, about?—I think his own amounted to about 50; altogether there were about 80 or 90, or perhaps more.

4022. First of all you told us that at Kilmacthomas, when you were coming on through Kilmacthomas, you stopped to refresh?—To refresh the horses; I did not say myself.

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4023. Not the voters?—No, the horses.

4024. The horses only? — The horses and drivers.

4025. You are sure the voters had nothing to eat?—I know nothing at all about it.

4026. Where did they go?—They went to Welch's, who was one of the tenants.

4027. Into a publican's house?—Yes.

4028. They went into his house, and of course it is not the habit to go in without getting something there?—I cannot say as to that.

4029. By the *Committee.*] Whose tenant is Welch?—Lord Waterford's.

4030. Then you went on from that till finally you got to this hospitable lodge of Mr. Palliser's, Comeragh House?—Yes.

4031. At what hour did you get to Comeragh House?—I should think about six or seven o'clock; about six o'clock.

4032. And when did you start the next day?—Between six and seven the next morning.

4033. Did they go to bed?—No, they did not.

4034. How did they amuse themselves?—Eating and drinking; plenty of it.

4035. Plenty of it?—So they said.

4036. At Mr. Palliser's private house?—At Mr. Palliser's private house.

4037. Were they admitted to the private house, or were they shut up in the barns, or what?—They were admitted to the private house.

4038. And Mr. Palliser was himself, I think, a candidate; to use the terms of the place, he was the Tory candidate for Dungarvan?—No, the major, his brother.

4039. And then this Mr. Palliser, as I understand you, this Mr. Palliser, the active partisan of Captain Talbot, and the entertainer of the voters, was the civil authority in command of the military and police on that occasion?—He was.

4040. By the *Committee.*] Was he the only magistrate?—He was the only magistrate; at least, he was the nearest.

4041. Will you answer my question?—Yes, he was the only magistrate.

4042. The only magistrate that accompanied the voters from Comeragh House, practically, to Dungarvan?—Not so far as Dungarvan.

4043. As far as Cloneagh, where you met the military?—Yes.

4044. With the military, was Captain Coote the stipendary magistrate?—Yes.

4045. But Mr. Palliser was the only one who went from Comeragh House to Cloneagh?—Yes.

4046. And he was the only magistrate who had been at Kilmacthomas previous to that?—Precisely.

4047. Mr. *O'Malley.*] Were the police entertained at this hospitable mansion, Comeragh House?—Yes.

4048. Plenty to eat and drink?—Yes, plenty to eat and drink.

4049. Were the military there?—The military were not there; the police who accompanied us from Kilmacthomas were entertained.

4050. You said you knew Mr. Roberts?—I said nothing about it.

4051. Do you know Richard Roberts?—I do know him.

4052. Was he agent for Lord Waterford?—I believe he does some business for Lord Waterford.

4053. Do you not know it?—No, his father is the agent.

4054. By the *Committee.*] Where does he live?—He lives in Dungarvan.

4055. And he is the son of Lord Waterford's agent?—He is.

4056. And he acts as agent at Dungarvan?—Yes, he does.

4057. Mr. *O'Malley.*] You were a good deal at the election?—Yes, I went there.

4058. You were there a good deal?—Not a good deal; I am necessarily constantly in Dungarvan, as I am the surveyor.

4059. I am asking you whether you were not constantly in and out of Mr. Robert's?—Yes, I was.

4060. Do you know Mr. Hearn?—Yes.

4061. Is he Captain Talbot's conducting agent?—Yes.

4062. Did you see him at Mr. Roberts's on the day of election, and the day before?—No, I did not.

4063. Were you yourself at Hearn's office several times?—Yes.

4064. Perhaps you can tell me this; did you meet many of the butchers of Dungarvan there?—None of them.

4065. Will you swear you did not?—None of them.

4066. Were the butchers of Dungarvan marshalled and armed with bludgeons?—No, they were not.

4067. Upon your oath were not the butchers armed, marching about the town armed with bludgeons?—I never saw them if they were.

4068. Will you swear that you never saw them?—I do, most emphatically.

4069. Did you see the butchers at all?—I did; I never go into Dungarvan but I do.

4070. You see them, generally speaking, at their stalls?—Yes, and about the town; they are constantly, every day in the week, standing about the doors of the market; I cannot go into Dungarvan without seeing the butchers.

4071. Did you see any bodies of the butchers together?—No.

4072. That you swear?—That I do.

4073. Nor armed with bludgeons?—Certainly not.

Re-examined by Mr. *Harris.*

4074. You have stated that there was only one magistrate who accompanied the voters from Comeragh to Cloneagh?—Yes.

4075. Do you know Mr. Ardagh, jun.?—Yes.

4076. The son of the clergyman?—Yes.

4077. By the *Committee.*] Of where? — Of Rossmire.

4078. Mr. *Harris.*] Did he accompany you?—Yes; you bring to my recollection now the fact that he did; I should remark that Mr. Ardagh met us when we came to Mr. Beresford's back gate, where Mr. Beresford's tenants met us.

4079. And he is a magistrate of the county?—He is; I had forgotten it.

4080. By the *Committee.*] Was Mr. Ardagh at Comeragh House that night?—No, he was not; about nine or ten o'clock on the morning of the day of the polling it was that we met Mr. Ardagh, when we took up the body of voters at Mr. Beresford's back gate.

4081. Mr.

4081. Mr. *O'Malley* (through the *Committee*).] How long had Mr. Ardagh been a magistrate at that time?—A very short time; some months.

4082. Had he been three months?—I should think so.

4083. Was that the gentleman who rode about with a sword?—He had a sword when I saw him.

4084. By the *Committee.*] Was he a magistrate at the time of the election?—Yes.

4085. But his appointment had been recent?—Only a short time previous to the election.

4086. When he joined your procession, was he armed as the learned counsel has asked you?—Yes, he was.

4087. You said there were about 50 voters on your property?—Upon Mr. Palliser's.

4088. And there were about 80 or 90 altogether?—There were about 80 or 90, and perhaps a trifle more, who were received by Mr. Palliser at his residence.

4089. Were there any particular class of voters?—The ordinary run of country farmers.

4090. Independent voters?—Yes; independent voters, and tenants of Lord Waterford, and his own tenants, and tenants of Mr. Orme Malley, and Mr. Browning, and Mr. Ardagh.

4091. They were the tenants of different landlords?—Yes; the tenants of different estates.

4092. Do you recollect the election of 1852?—I do, when Mr. Hely Hutchinson stood.

4093. Was there much excitement at that time?—There was a great deal of excitement in Carrick-on-Suir, where I spent the day of the polling; there was a great deal of excitement on that day; I was not a voter of the county at that time.

4094. Did you see the voters who voted at Carrick come into Carrick?—Yes.

4095. Were they escorted by military?—Military; both infantry and cavalry.

4096. Was the town of Carrick in a disturbed state?—Very much so, at least that part called Carrick Beg.

4097. That part of Carrick which is in the county of Waterford?—Yes. *C. Langley, Esq.* 1 April 1867.

4098. Are there as many voters who voted at Carrick as vote at Dungarvan?—Not so many.

4099. But was the disturbance as much in Carrick, in proportion to the number of voters in 1852, as it was in Dungarvan at the last election?—No, I think not; at least the result was not so disastrous.

4100. With regard to the tenants of other estates who were going in that procession, were they all supporters of Captain Talbot?—Yes.

4101. All of them?—Yes, all of them.

4102. And the landlords?—Yes, both the landlords and the tenants, and all those who went with me to Comeragh House, went with me with the intention of voting for Captain Talbot.

4103. That you do not know; but were Mr. Ardagh's tenants at Mr. Palliser's house the previous night?—Yes, some of them were.

4104. And did the others join you in the morning before you started?—No, not before we started; but we picked them up on the way.

4105. The voters which you picked up on the way were some of Mr. Ardagh's tenantry, and some of Mr. Beresford's?—Yes.

4106. Were there any others?—Yes; there were some tenants from the neighbourhood of Mr. Beresford's?—I cannot say exactly whose they were.

4107. Then, in fact, you picked up nearly as many tenants the following day, going to Cloneagh, as you had at Mr. Palliser's house the previous night?—Very nearly as many; there were a large number of tenants of Sir Edward Kennedy's who met us.

4108. Mr. *Harris* (through the *Committee*).] What is the distance from Sir Edward Kennedy's to Mr. Palliser's, where the rendezvous was?—About four miles.

[The Witness withdrew.

The Reverend THOMAS POWER was called in; and, having been sworn, was Examined by Mr. *Stephens*, as follows:

4109. ARE you a Clergyman of the Established Church?—I am. Rev. *T. Power.*

4110. Where do you live?—At Clashmore.

4111. Do you remember the polling-day at the last election for the county of Waterford?—Yes.

4112. Did you go into Dungarvan on that day?—I went in the morning of that day.

4113. What time did you leave to go to Dungarvan?—I left Lochtan, where I stopped the night before, at 20 minutes to five.

4114. What was the name of the gentleman who lives at Lochtan?—Mr. Allen.

4115. Did Mr. Allen accompany you to Dungarvan?—He did, about 20 minutes to five, or half-past four; I could not say exactly.

4116. That was the morning of the polling-day?—That was the morning of the polling-day.

4117. What time did you arrive at Dungarvan?—I should say about 20 minutes to seven o'clock.

4118. When you were going through Dungarvan did anything happen; when you came into Dungarvan?—When we came into Dungarvan, we did not come the direct way; we went a little out of our way, and came round by the Market-house, and got into the main street.

4119. In the main street did you see anybody?—There were perhaps about a dozen or so collected round the car immediately.

4120. A dozen of what?—A dozen of men or more; then they increased until we came to a certain point.

4121. Had those men sticks?—They had.

4122. Were they what you call a mob?—I fancy they were.

4123. Where were you going to first in Dungarvan?—I was going to Lynch's Hotel.

4124. Did these men, this mob, say anything?—The first thing was, I could hear them asking the driver whose car it was.

4125. Did you drive through them?—We tried to drive through them, but could not.

4126. Did they accompany the cars?—Some were on one side of the horse and some on the other, and some behind.

4127. How far did you succeed in getting into Dungarvan?

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Dungarvan?—We got to the turn, or at least where we should have turned in the square to the hotel; we had to go through the square to our hotel.

4128. Did you hear anything said about the reins?—I did not myself hear it.

Mr. *Waters* stated that the name of Mr. Allen was upon one of the lists as having been abducted, and inquired whether Mr. Stephens was going into the question of abduction.

Mr. *Stephens* stated that he still confined himself to the question of riot only.

4129. To the *Witness.*] Did you succeed in getting to Lynch's Hotel?—After a certain time I did.

4130. But you have described yourself as being in the square at the turn to Lynch's Hotel with the mob surrounding you; I ask, at that time did you succeed in getting to Lynch's Hotel?—No.

4131. Was anything done to the car upon which you were sitting?—The men at either side, when the driver wanted to turn to the right hand side to go through the square, caught hold of the reins and forced the horse on.

4132. By forcing the horse on, did they bring you anywhere?—They brought us into the yard of an hotel.

4133. Were there gates to that yard?—Yes.

4134. Did you see anything done to those gates?—We were shut in.

4135. Did any of the mob go with you into the yard?—There were three or four at least, if not more; I could not say.

4136. At this time was it light or dark?—It was scarcely beginning to get light; there were gas lamps.

4137. By the *Committee.*] Were the lamps lighted?—The lamps were lighting.

4138. Was there a lamp near to the entrance to this yard?—I forget exactly whether there was a lamp; I could not exactly say.

4139. Mr. *Stephens.*] When the car was brought into the yard, and the gates were closed, did you remain in the car?—No, I got out of the car; we both got out of the car.

4140. By the *Committee.*] Was this an outside car?—No, an inside covered car.

4141. Did you see in that yard anybody that you recognised?—After some few minutes, about 10 minutes, or so, we recognised a gentleman.

4142. You were asked if you recognised anybody?—I did.

4143. Mr. *Stephens.*] Do you know who that gentlemen was?—Yes.

4144. Will you give the Committee his name?—Francis Kennedy, esq., jun.

4145. By the *Committee.*] Can you describe him more particularly; where does he live?—His father lives close to where I live myself, at Clashmore.

4146. You saw Francis Kennedy, jun., of Clashmore?—Yes.

4147. Mr. *Stephens.*] You have said that this was the yard of an hotel, I think; do you know what hotel it was?—O'Neill's Hotel.

4148. Did you say anything; I do not ask what you said; but did you say anything to Francis Kennedy?—Yes.

4149. What was Mr. Kennedy's answer?—

Mr. *O'Malley* objected to the question.

The *Chairman* stated that the question could not be asked.

4150. Mr. *Stephens* (to the *Witness*).] What did you then do, after having spoken to Mr. Kennedy; what happened next?—I was brought up stairs.

4151. Into the hotel?—Into the hotel.

4152. Before that had anything been done to you in the yard with reference to the hotel?—No, there was no violence resorted to.

4153. But you were brought up-stairs?—Brought up-stairs.

4154. Where to?—He very kindly showed us into a sitting-room.

4155. Was there any person in that sitting-room?—There were two or three gentlemen; I think three.

4156. Do you know who those gentlemen were; do you know the names of those gentlemen?—Yes.

4157. Will you state them?—One was a Mr. Hodnet, and the other was a Mr. Barry.

4158. Who was the third?—There was another gentleman there just at the time; I do not know who he was; but another gentleman came in after I had been there some little time.

4159. Do you know who he was?—I do.

4160. Who?—A Mr. Dennehy.

4161. Were those all the gentlemen you saw in that room?—Yes.

4162. What o'clock was that?—I suppose from about seven till about five minutes to eight when we went to the poll.

4163. But at what time was it that you were brought up-stairs into this room?—I should say it was something about seven.

4164. About seven in the morning?—Yes.

4165. Did you attempt to leave the hotel?—No.

4166. Did you express a desire to do so?—At first I mentioned that I was taken——

Mr. *O'Malley* objected to the statement of a conversation by the Witness, and submitted that this was trenching upon the question of abduction.

Mr. *Mundell* urged that the Witness should be allowed to continue his statement, and submitted that this was a portion of the organised riot continued.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee were of opinion that this evidence might be given as constituting part of an act which the Committee might subsequently consider a riotous act.

4167. Mr. *Stephens* (to the *Witness*).] Did you acquaint the gentlemen whom you saw in that room, and whom you have already named, with what had occurred to you?—Yes.

4168. Did you tell them you were anxious to go to Lynch's Hotel?—Yes.

4169. What reply was made to that remark of yours?—They very kindly promised to get us an escort to our hotel.

4170. Was that escort given you immediately?—No.

4171. By the *Committee.*] You did not receive the escort immediately?—No; but may I give a little explanation of that.

Chairman.] State the fact first of all.

4172-3. Mr. *Stephens.*] You did not get that escort immediately?—No.

4174. Was

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4174. Was any reason alleged why you should not get that escort immediately?—They were kind enough to say that they would bring us up and leave us at our hotel; they were friends of Mr. Allen's.

4175. But how long did you remain at this hotel?—We left about five minutes to eight, I think, just before the time for polling.

4176. Did you see any placards upon the walls of that hotel?—

Mr. *O'Malley* objected to the question as having no reference to the question of riot. He stated that the Petitioners were endeavouring to bring in a case of abduction under the cloak of the Chairman's last decision.

Mr. *Mundell* was heard in support of the question.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee were of opinion that this question was not so mixed up with the act of rioting, that it could be asked as a portion of the riotous transaction alleged by the learned Counsel.

4177. Mr. *Stephens* (to the *Witness*).] When you left the hotel who accompanied you?—Those three gentlemen whose names I have mentioned, and my own friend, Mr. Allen.

4178. What time did the polling-booths open that morning?—Eight o'clock.

4179. Was it at eight o'clock, or about eight, that you left the hotel?—About five minutes to eight, or so.

4180. Can you tell us what street this hotel was in?—I really do not know the name of the street; it is a continuation of the main street. I do not know the names of the streets in Dungarvan sufficiently well to tell you; it is a continuation of the main street, after passing the square.

4181. Is it beyond the square?—Beyond the square.

4182. Do you know a street in Dungarvan called Blackpool-street?—I do not know it by that name; I know the street perfectly well, but I never heard of the name, as I very seldom go to Dungarvan.

4183. When you were leaving the hotel to go to the polling-booth, what state were the streets then in?—A great number of people, some of those parties, or like them, with sticks, such as——

4184. Who were they like; you say they were like somebody?—They were of the description of those parties who surrounded our cars.

4185. Did any of them molest you?—No.

4186. Were you stopped on your way to Lynch's Hotel?—No.

4187. At that time did the other gentlemen whose names you have mentioned, Mr. Barry, Mr. Hodnet, and the third gentleman, go with you to Lynch's Hotel?—Yes.

4188. And left you there?—Yes, they left us there.

4189. Whilst you were at O'Neill's Hotel?

The *Chairman* objected to the question, it not having been proved that it was O'Neill's Hotel.

4190. Mr. *Stephens.*] Whilst you were at this hotel were you asked to wait there for any reason assigned?—

Mr. *O'Malley* objected to the question, unless the Committee thought that it fell within their decision.

Mr. *Stephens* withdrew the question.

Cross-examined by Mr. *O'Malley.*

4191. Just let me ask you one question; your friend Mr. Allen was the second man that voted, I believe, at the poll that day?—I think he was either first or second.

4192. By the *Committee.*] You do not know it?—I do not know it.

4193. Mr. *O'Malley.*] You did not go in?—No.

4194. But you know he voted?—I know he voted.

4195. And you know that you voted yourself?—I know that I voted.

4196. By the *Committee.*] Have you voted at any previous elections?—I voted once, several years ago, in Dungarvan.

4197. What election was that?—I declare I could not tell.

4198. Then if your recollection is so imperfect as to the circumstance, of course it will be still more imperfect as to anything that occurred?—I could tell you who the candidates were, but I could not tell you the year.

4199. Who was the candidate?—The Honourable Hely Hutchinson I know was the candidate, but I could not tell the year.

[The Witness withdrew.

Mr. John Prendergast was called in; and, having been sworn, was Examined by Mr. *Mundell,* as follows:

Mr. *J. Prendergast.*

4200. Are you a farm bailiff to Mr. Thomas Walter Poole?—I am.

4201. And do you live at Graghavara, in the county of Waterford?—Yes.

4202. On Friday, the 28th of December, did you go about among your masters' tenants to get them to go with you to Dungarvan to vote?—Not on that day, but the day before.

4203. Did they come to you that day?—Upon that day they came to me.

4204. Who came to your house; give me the names?—Richard Keiley, John Farrell, Michael O'Donnell, William O'Donnell, John Barn, Michael Brennan, William Lynes, John Foley.

4205. So that there would be nine of them; nine or 10?—Yes; there was another man with us, and cars going, a man of the name of James Hickey.

4206. And were they all tenants of Mr. Poole's?—Hickey was not.

4207. But the other nine were?—Yes.

4208. You had canvassed them for one of the candidates; do not tell me which; they were going to vote for one of the candidates?—Yes.

4209. Were you a voter yourself?—Yes.

4210. For whom were you going to vote?—Captain Talbot.

4211. What time did you leave your house at Graghavara?—I should say something about nine

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nine or 10; I am not very exact about the hour I went; I should think about that.

4212. Did you go in cars?—Yes.

4213. How many cars had you?—Three.

4214. Did you go down to a place called Rockfield?—Yes.

4215. And then you met Mr. Richard Keane and his party?—Yes, and the constabulary.

4216. There were constabulary with his party?—Yes.

4217. There were none with yours?—Not so far.

4218. When you got down to Rockfield did you go on with Mr. Keane and his party and the constabulary in the direction of Cappagh?—Yes, we did.

4219. As you were going along what took place; were you stopped by anybody?—Yes; when we went to Cappagh there was a mob before the police there; the police had their bayonets charged and had ranked themselves across the road, and themselves and the mob met.

4220. Had the mob anything with them; were they armed or unarmed?—Some of them had sticks.

4221. Were they men, or what?—Men and women.

4222. Which were the most, men or women?—I should think the men were.

4223. Then the police advanced to the front and formed across the road?—Yes.

4224. Just before reaching Cappagh did you see a woman that you knew?—Yes, I did.

4225. What was her name?—We called her by the name of Kit Maher.

4226. What did she do?—When we were going towards the cross, the stopping up of the public road, going in another direction, she was going towards that, and when we were passing that and the cars she cried out my name, and said we would not go far.

4227. She said something to you?—She did.

4228. Did she run back to the mob?—She did.

4229. Tell us what she said to you?—She said we would not go far.

4230. And then she went back to the mob?—She did.

4231. And then, when you got near the mob, what did you do; did you go on towards the mob, following the woman?—Yes.

4232. About how far was she off the mob when she spoke to you?—Some perches; not far distant.

4233. Twenty or 30 yards?—Fifteen or 16 perches.

4234. Did she walk or run towards the mob after she had said this to you?—She made a run.

4235. Did you then hear whether she addressed herself to the mob as well as to you?—She did.

4236. Could you hear her?—I did.

4237. Could you hear what she said?—That we were coming on, and not to leave us; go ahead.

4238. About this time was anything thrown towards you?—Not at that time.

4239. How far did you go on before anything was thrown at you?—Until we met the mob.

4240. How long would that be from the time the woman spoke to you?—I am not going to say that there was anything thrown at myself.

4241. I mean the people who were with you on the cars; I do not mean did anything hit you; you might have been lucky; but did you go on towards the mob?—We did.

4242. When you came up to the mob, and the police were there, did you see the mob do anything?—I did not; but I heard them, with sticks, striking the beasts when the police were standing to make a charge across the road, and they were standing.

4243. How near did you see the mob to the police?—So near as that their bayonets could not go any further.

4244. Did you see the mob do anything to the police?—No, I did not.

4245. Did you see the mob do anything to the bayonets of the police?—I heard the sticks striking on the bayonets.

4246. You heard it, but did not see it?—My view was covered by the horses that were before me.

4247. Was anything done to the cars by the mob?—As I could understand, the police were put back a pace, and they were so close to the cars, that the cars that were near me had to turn; and when the cars turned, some of the mob came alongside, between the police and the ditch; and they were coming towards the cars, and each car turned round then and turned back; and at the time that they were turning, some of the voters that were in the cars began to strike the horses to make away from the mob.

4248. Were those the cars that came down with you from Mondeligo?—All the cars that were together.

4249. Did you see a man named Thomas Fitzgerald?—I did at the time that the horses were turned and they making for themselves; a man named Fitzgerald threw a stone and struck Keiley.

4250. That is the man that came with you?—Yes.

4251. Where did he strike him with the stone?—In the shoulder, that way (*describing the same*).

4252. Did he hold the stone or throw it?—He threw the stone out of his hand.

4253. How near was he to him?—Keiley was passing, and the man was standing in the dyke at the side of the road, and at the time he threw the stone the ground was wet, and his legs slipped and he was thrown on his side on the road.

4254. Was Keiley hurt?—I do not say that Keiley was hurt, but he was there on the car, and they began to strike the horse, and the horse reared, and the passenger that was on the car was thrown on the road.

4255. When this took place were you close to the car, or where your voters were?—I was so close that the horse that I was driving myself——

4256. How did they seem?—The breast of the horse of my car was into the other car.

4257. When this took place did the voters seem frightened or not?—The rest of them?

4258. Yes; were you frightened first?—I think I kept myself the best courage that was in the lot of them; that is all I can say, because I heard them complaining of it afterwards.

4259. Were the other men frightened?—They said so.

4260. How many of the men that were with you said so?—Every one of them.

4261. That is what they said; did they do anything to the horse?—Not that I saw.

4262. I do not mean the mob; I mean your people?—Voters?

4263. Yes?—

4263. Yes?—The man that was driving the car left the horse in charge and drove away.

4264. Did they beat the horse to make him go?—They did.

4265. Upon the horse being beaten to make him go did anything happen to the harness?—He jumped from under the car, and part of the harness was broken, and he jumped away.

4266. The car was left there and the horse ran away?—Yes.

4267. Was that car, to your knowledge, broken?—Yes, it was.

4268. What was done with it?—As I am informed it was broken up.

4269. Did you ever see the car again?—I did not.

4270. Was it left behind?—It was.

4271. Shortly after the cars had turned, where did the mob get; inside the fences or outside of them?—Some of them stopped on the road, and some of them went alongside the fences.

4272. Did you go back a few hundred yards towards John Morris's house, at Cappagh?—Yes.

4273. How far back would that be from where you were attacked; a few hundred yards?—A few hundred yards.

4274. Did you halt there?—Yes.

4275. How long did you halt there?—Not long.

4276. Did anybody come up to you while you were there from the direction of Dungarvan?—We saw a part of the mob coming towards us and then we made away.

4277. How many of the mob came up to you when you halted the first time?—I should think there was a dozen of them coming up together.

4278. Were they armed or not?—Indeed I did not notice them much.

4279. Did you then go further until you got to Finnish?—Yes.

4280. How much further was that?—I suppose about a mile.

4281. Then did you go back again to Cappoquin?—We went on again from that in the direction of Cappoquin.

4282. And did you get to a place called Drumrow?—Yes.

4283. How long did you stop at Drumrow?—We stopped there a good bit; I suppose about a couple of hours.

4284. What did you wait there for?—To know whether we could get any account from the escort.

4285. And did you get any account from the escort?—No.

4286. What kind of conduct did this mob show towards you; tell me what they did; whether they shouted or used violence?—I did not see them doing anything, only I heard them shouting.

4287. Did they use their sticks?—They used their sticks in the way that I heard them strike the bayonets.

4288. Did they throw stones?—Indeed I did not see much stones thrown; no, indeed.

4289. About what time did you go away home from Drumrow to your own house?—I should think I arrived home at three or four in the afternoon.

4290. About eight on that night did anything happen to you at your house?—When I went home?

4291. Yes?—No; there was nothing happened to me.

4292. Did any persons come to your house?—They did.

4293. How many were there?—I do not know how many were on the road, but I know more than one came to my house.

4294. Were there others at a distance?—Yes.

4295. Were there many or few?—Some.

4296. Could you tell us about how many?—I should think, from the alarm that I heard, that there was at least a dozen of them there.

4297. During the night could you tell whether there were people in the neighbourhood of your house?—At that time there was one person came into my house.

4298. But I want to know generally whether, during the night, you could tell whether there were people in the neighbourhood of your house?—Yes, I heard them afterwards, several times, shouting about the roads.

4299. By the *Committee.*] How far from the road was your house?—A very short distance; I do not believe it is 20 spades; about seven or eight perches.

4300. Mr. *Mundell.*] Just let us go to daylight the next morning; were you in bed?—I was.

4301. Did any persons come to your house the next morning?—Yes.

4302. I mean, did they ask for you?—I could not say; that is the first time they came.

4303. But some people came there?—Yes.

4304. During the day did other people come to you; do not tell me what they said?—Yes, several times.

4305. Did they make communications to you?—Yes, several times.

4306. During the whole of that day could you tell whether there were any people or not about your house?—I could not, only the times they came to my house inquiring for me.

4307. They went backwards and forwards?—Yes.

4308. Up to what hour in the day would that be?—Up to about two or three o'clock.

4309. And how many miles is your house from Dungarvan?—About nine Irish miles.

4310. Just let me know about how many times you think people came to your house that day asking for you?—I could not say.

4311. A good many times?—A good many times.

4312. How long a time would elapse between their coming; an hour or half an hour?—Sometimes half an hour; sometimes two parties of men came in half an hour, and sometimes three-quarters of an hour.

4313. That lasted during the morning till three o'clock in the day?—Yes, and sometimes they would be an hour without coming; an hour and an hour and a half.

4314. Then, as regards yourself, you did not go to vote?—No.

4315. Why did you not?—I could not go.

4316. By the *Committee.*] Why?—I was afeard of my life; I could not venture it.

4317. Mr. *Mundell.*] As regards those men who were with you, they did not go either?—They did not.

4318. By the *Committee.*] Do you mean the Committee to understand that, as to the men who came down from Mondeligo with you on the previous day, and nearly reached Cappagh, where they found the mob, and police, and so on, none of

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of those men voted?—I do not understand the question.

4319. Did they turn round with you and all go back?—Yes, but not in the same direction as I went.

4320. But they did not go on toward Cappagh?—They did not go on from Cappagh to Dungarvan.

4321. But you never reached Cappagh?—We did go as far as a place called Cappagh.

4322. But you never got into the town, because you turned round when you found the mob were pressing upon the police, and the police pressed upon the cars; the cars turned round, and you were all dispersed?—Yes.

Mr. *Mundell* stated that, at Cappagh, there was only a police barrack, and that it was not a town.

Witness.] It is a country place.

4323. Mr. *Mundell.*] You have given us the names of the men who were voters, did you see any of those men the next day?—I did, and on that night; I saw them on Saturday night too, some of them.

4324. You did not see any of them on the Saturday, did you?—Yes, I did.

4325. Which of them did you see on the Saturday?—I saw John Foley.

4326. Any others?—Michael O'Donnell; I do not know whether there is any other.

4328. Do not tell me anything they said to you; but when you saw those men did you see any others going up to Michael O'Donnell and John Foley, and speaking with them?—I saw them going up to John Foley.

4329. And certain men you saw speaking to them?—Yes.

Cross-examined by Mr. *Waters.*

4330. This learned gentleman asked you if you canvassed the voters for anyone; did you canvass them?—What do you mean by canvassing?

4331. Did you ask them to vote for anybody?—I went to them and told them that I got directions from Mr. Poole that he was going to vote for Captain Talbot, and he expected their interest, and they all said yes.

4332. Was that all the direction you got from Mr. Poole?—Yes, that is all.

4333. And they all met you next day there, nine men?—I do not mean the next day.

4334. But they met you on the Friday?—Yes.

4335. Have you had a letter from Mr. Poole?—I have.

4336. To them?—No.

4337. To yourself?—Yes.

4338. About who the tenants were to vote for; you have not that letter, I suppose?—No.

4339. You left it carefully at home?—I leaves every letter I gets from him at home.

4340. You got as far as the police barrack, at Cappagh, on the Friday?—No, I did not.

4341. How many spades were you short of it?—Indeed it was not many.

4342. How many?—Somewhere about 30 or 40 spades.

4343. That is about 60 yards off the police barrack?—In or about it.

4344. Is not the police barrack the only house in Cappagh?—It is not.

4345. How many houses are there at Cappagh; is there anything more than the police barrack?—There are several houses in the townland of Cappagh, but not so near the road at that part of it as the police barrack.

4346. The police barrack is on the road?—Convenient to it.

4347. The other houses are not?—No.

4348. How many police are there at the barrack?—I do not know.

4349. How many were there on the road?—I think we had something like 15 or 16 with us from Rockfield, more or less that way.

4350. You say each car turned round; did the voters jump off the cars at once?—On their returning do you mean?

4351. When the cars turned round?—They did not get off them at all; they thought of getting off them.

4352. How many did keep on the car?—Those that was thrown off the cars had to get on the cars.

4353. How many of them?—I do not know.

4354. Did five stay on the cars?—There were three stopped with myself on the car.

4355. Did any others stay on the cars?—They stopped on the other cars.

4356. How many of them?—Indeed I could not tell you that.

4357. How many voters had you altogether there?—I could not say that.

4358. About how many had you there?—I could not tell.

4359. How many cars were there?—Faix, I am not very sure of that.

4360. Were there 100 or 20; were there 20?—I think not so many as 20; about 12 or 13; somewhere about that to my recollection.

4361. By the *Committee.*] Were there as many as 12 or 13?—I think, to the best of my belief, there was, or about it.

4362. How far were you from your house at this time?—I believe I was something over three miles.

4363. Do I understand you to say that you went home to the house on a car?—I did, except what time I stopped on the road walking.

4364. And the other men went home to their houses?—Yes, I suppose some of them did; but the men that was with me stopped with me.

4365. Do O'Donnell and Foley live far from you?—They do not.

4366. How close to you do they live?—One of them about a quarter of a mile, and the other about a mile.

4367. Did they stay with you that night?—They did not.

4368. They went home?—Yes.

4369. And you saw them next day near your house?—I did.

4370. Did you see them on Saturday?—I saw Foley.

4371. Did you see O'Donnell?—I think not at my house; I saw him outside the house.

4372. Was it on the road?—In the garden, I think.

4373. Had he come down the road to reach your garden?—I do not know what direction he took.

4374. You only saw him in the garden, and that was how far from his house?—About a quarter of a mile.

4375. Did you know the people who constituted the

the mob, that were on the road at Cappagh?—No, I did not.

4376. Will you swear that you did know any one of those in that mob?—I do not swear that.

4377. You mentioned a man named Fitzgerald, who is he?—He is a man who is in Glyn.

4378. Is he a farmer, or what?—He is a farmer.

4379. Whose tenant is he?—I think he is a tenant of Mr. Richard Haley.

4380. Did you know any other man in that mob, except Fitzgerald?—Yes; I knew a few more of them on the other side of the road.

4381. Who were they; were they farmers or servants?—They were some of them farmers' sons; I saw them stretched on the field, looking at the people going towards them.

4382. I asked you, did you know the names of any of the people in the mob?—I did not see the parties that was standing before the police at all, if these are the men that you call the mob.

4383. Were you opposed by a mob?—I suppose the police were; we could not go through them; we were opposed.

4384. Were you stopped from going on by the mob?—We were stopped.

4385. Do you know the names of any of those people who stopped you?—Not one.

4386. You do not know the name of a single one of them?—No; that was on the road.

4387. Do I understand you also to swear, on your oath, that you did not know any man who was in the mob?—I knew another man that was there; I saw him coming towards the car.

4388. Was he one of the mob?—I believe him to have been one.

4389. What was his name?—His surname is Flynn, but I cannot bring his Christian name to my recollection; to the best of my belief it is Pat.

4390. Do you know John Morris, of Cappagh?—Yes.

4391. Did you see his servant there?—Yes.

4392. Did you see one of them there?—No; when we were passing on the road, they were in the hoggard.

Re-examined by Mr. *Mundell.*

4393. When you gave this message to the tenant from Mr. Poole, tell me what they said to you?—They said they were quite willing to go.

4394. That was all that passed, I suppose?—That was all that passed.

[The Witness withdrew.

MICHAEL O'DONNELL, was called in; and, having been sworn, was Examined by Mr. *Harris*, as follows:

4395. WHOSE tenant are you?—A tenant of Mr. Poole's.

4396. Where do you live?—In Upper Durra.

4397. Is that a place that you have mentioned in the neighbourhood of Mondeligo?—Yes.

4398. Do you recollect, the day before the polling-day, being with Mr. Prendergast on your way to Dungarvan?—I do.

4399. Who were you going to Dungarvan to vote for?—For Mr. Talbot.

4400. Do you recollect arriving at the Cappoquin-road at Rockfield?—I do.

4401. Were you on the cars?—It was all the same; I had a kind of a car that three of us had; a cart that we had a seat fitted up in.

4402. But you were on the car?—Yes.

4403. Did you drive along, or did you go along the road from Rockfield, in the direction of Cappagh?—I did not go to ——

4404. Did you arrive at Cappagh, at the police barrack at Cappagh; did you get as far as that?—No.

4405. Did you meet any persons in the neighbourhood of the police barracks at Cappagh?—We did not go as far as Cappagh.

4406. But before you got to Cappagh, did you meet any persons standing on the road?—I saw them on the road before us.

4407. About how many people do you say were on the road before you?—Faix, I could not say.

4408. Was there a large number of persons?—There was.

4409. Were you with Mr. Prendergast; were you in his party?—I was.

4410. Which car were you on; was it the first car or the last?—The last.

4411. Were you stopped there, or did the party whom you were with, stop?—They was stopped.

4412. After you were first stopped, did you get any further on the road towards Cappagh?—We did not since; we went to Cappagh; we did not get any further on that road.

4413. What prevented you from getting any further?—There was a good many people before us on the road, and more cars on before us, and all of us stopped then, when we saw the mob before us, and when we saw the first car before us turning, we turned as fast as we could, and made our way home.

4414. What turned the first car?—I could not say, but very likely it is the mob.

4415. Did you see it?—I saw the car turning, but I do not know why they turned it.

4416. Did you see the police?—I did.

4417. What was the mob doing?—I heard some noise, but I do not know what they were doing.

4418. Could you hear what they were doing?—I do not know.

4419. Did you see anything in the hands of the mob?—I saw sticks in some of them; I do not know what the whole of them had.

4420. Did you observe anything but the noise of the mob?—No I did not; I was far back.

4421. What became of the car on which you were?—It came home; we brought it home with us.

4422. But by what road; did it turn up or go the main road?—I do not know I am sure; we went a few perches back, and there was a by-road in our way, coming back, shorter than the way which we come, and we turned up there, because we was the last car going, and in the first car coming back.

4423. You turned back a few perches?—A few perches, but I could not say exactly how many.

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4424. Did you go up to Mondeligo to your house?—I did.

4425. Do you recollect the next morning anything happening to you at your house?—I do.

4426. Was it on the Saturday morning?—It was.

4427. What happened to you at your house that Saturday morning?—I was that morning early on my own land, and some of the party came up to me then.

4428. Some of what party then, do you say?—Some persons.

4429. About how many persons came up to you on that morning?—I could not exactly swear.

4430. But about how many?—I suppose between 10 and 15, more or less.

4431. Had they anything in their hands?—I do not know had the whole of them; I could not say; they held some sticks.

4432. Did they say anything to you that morning?—Indeed they did not, but to carry me away with them that morning.

Mr. *O'Malley* objected to this evidence, as not relating to a riot.

Mr. *Harris* was heard in support of the line of examination.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee were of opinion, that under all the circumstances of the case, they considered it more a case of abduction than of rioting.

Cross-examined by Mr. *O'Malley*.

4433. Just tell me this; I am quite sure you will tell me exactly the truth about this matter; you are a tenant of Mr. Poole's, I think?—I am.

4434. Who was it asked you to vote for Captain Talbot?—John Prendergast; he is a rent-warner for him, and he told us the first; and Mr. Poole came on the ground himself the Thursday; that is the day before the election.

4435. He came on the ground?—That is, the Thursday before we went to Dungarvan.

4436. Did he tell you that you must go?—No, he told us no such thing.

4437. What did he tell you?—He expected that we would go to Dungarvan to vote for Captain Talbot.

4438. What had Mr. Prendergast told you before?—I could not exactly say, but I think it is the way that Mr. Poole wanted us to vote for Captain Talbot; I think that is the way he said.

4439. I want something more?—He asked us whether we would vote for him or not.

4440. Did he say you must?—I do not recollect.

4441. Have you seen Mr. Prendergast to day?—I have, and yesterday.

4442. Where?—Outside where I am lodging.

4443. And do you lodge in the same house with him?—I do, and sleep with him in one bed.

4444. Did he bring you over here; did you come over with him?—I did.

4445. You came over with him?—I did.

4446. Have you slept with him in the same bed ever since?—I have.

4447. He has not lost sight of you at all, I dare say?—Sometimes.

4448. Has he told you what you were to be examined about?—I did not hear a word from him about it.

4449. You were talking about this Committee, you know, when you were together?—We were, and several times.

4450. Did he not tell you what you were to be examined about; did you never think of asking him?—We did; and it was between us what we would have to say; we said we did not know in the world.

4451. What you would have to say?—No, what questions would be put to us.

4452. And you discussed that with him, between yourselves?—Yes; we said that we did not know what questions would be asked of us.

4453. And he told you the questions that would be asked, did he not?—He told us no such thing; he said he did not know.

4454. Did not know what?—What questions would be asked.

4455. Did you know what you were coming to speak about?—I did not, faith.

4456. You did not know it was about the election?—Yes, I did.

4457. Just think; did he not speak to you about what you were to say?—We did not know what questions would be asked of us.

4458. You did not know?—No; nor he did not know himself.

4459. But he did tell you what might be asked of you?—Then I think he did not, to the best of my belief.

4460. We are getting a little closer now; do you not think he did?—I think he did not; but it was between us several times that we did not know what questions would be asked, or what about; about that day, or the day after.

4461. You asked him all that; did he give you a civil answer?—He said he did not know no more than myself.

4462. And you mean to swear that?—I do.

4463. Were you in Mr. Roberts' office in Dungarvan before you came here?—I do not know when I was in Dungarvan.

4464. Yes you do; the Committee will begin not to believe you, if you go on in that way; just take care; you know you were in Mr. Roberts' office?—In Dungarvan?

4465. Yes?—I do not know whether I was ever in his office. Is that Mr. Roberts, you mean, that we pays the county rate to?

4466. Was your evidence taken down in Dungarvan?—No.

4467. No evidence at all?—No.

4468. Were you asked what you could say?—No, not a word; never about it, in Dungarvan.

4469. You never knew what you were going to be examined about until you came into this room?—No; but I gave my evidence to Mr. Bagge.

4470. Who is he?—Mr. Bagge and Mr. Hearn; it was taken down here.

4471. When?—Yesterday evening.

4472. Was Mr. Prendergast, your bedfellow, with you?—He was.

4473. Did

4473. Did they not tell you then what questions would be asked you?—They did not; but they asked me what had I to say, and what did I see.

4474. When you went away that day you expected to be stopped?—There was a rumour about it; but I did not know whether I would or not, until I went to the place.

4475. Now I understand the very moment you saw the first car stopped you made off?—We did.

4476. And glad to get away?—And glad to get away then.

4477. You did not go up the by-road to try and avoid Mr. Prendergast?—The next road, on our way going home; that is why we came the shortest way.

4478. I ask you, upon your solemn oath, if you had been left to yourself, who you would have voted for?—Whoever my landlord would like, I would have voted for.

4479. If you were left to yourself without any interference, who would you have voted for; would you not have voted for Mr. De la Poer?—Well, then, I would.

4480. And would not every man in the country, as far are you know, have done the same?—How do I know what every other man would do.

4481. By the *Committee.*] Are you a Roman Catholic?—Yes.

4482. The next best thing was not to vote against him, was it not?—I suppose so.

4483. And that is what you wished, not to vote at all?—It was not.

4484. You did not like to vote against your own wishes, did you?—When the master came up and asked, I voted for De la Poer. I would sooner vote for him; I mean Mr. Talbot.

4485. That name comes so naturally to your mouth?—It was only a mistake.

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Re-examined by Mr. *Harris.*

4486. You have said, in answer to my friend, Mr. O'Malley, that you heard rumours before you left home; what were those rumours?—Little bits of rumours, all of the same kind.

4487. Where did you hear the rumours?—At a place called Redgate.

4488. What were the rumours that you heard?—That we would not be left at head-quarters; that we would not be left at Dungarvan, because the rest of the voters were with us. We heard a rumour there that we would not be left at Dungarvan. We delayed a little at a place called Redgate.

4489. What do you mean by being left at Dungarvan?—We would not be left at Dungarvan to vote.

4490. You answered Mr. O'Malley, also, that you were glad to get away, when you retreated from the road and up the by-road; what were you glad to get away from?—I was glad to get away, for fear I would not be hurted.

4491. You have been asked, also, by Mr. O'Malley, about Mr. Poole, the landlord, having asked you to vote; did any one else ask you to vote besides Mr. Poole.

Mr. *O'Malley* objected to the question.

4492. Mr. *Harris.*] You have said you would have voted for Mr. De la Poer, if Mr. Poole had not asked you; why would you have voted for Mr. De la Poer?—It was rumoured about all the clergy that he would be the best man to be returned.

[The Witness withdrew.

Mr. Matthew Parker, was called in; and, having been sworn, was Examined by Mr. *Mundell,* as follows:

4493. Are you a Solicitor?—I am.

4494. Where do you carry on your business?—In Dublin.

4495. Had you charge, at the last Waterford election, of the barony of Coshmore and Coshbride, as agent for Captain Talbot?—I had.

4496. That barony polled at Lismore?—It did.

4497. Were you, therefore, at Lismore in discharge of your duty as agent at the last election?—I was.

4498. About what time did you first go to Lismore?—Some time in the latter end of November; I cannot tell you the day.

4499. Do you know Mr. Thomas Slattery, the solicitor?—I do.

4500. Was there any room in Lismore which was a committee-room of Mr. De la Poer?—

Mr. *O'Malley* objected to the question.

4501. Mr. *Mundell.*] Was there an hotel called Dobbins' Hotel?—Yes, there was, and is.

4502. Have you at any time, while you were there, seen Mr. De la Poer at Dobbins' Hotel, either in or out of it?—I cannot say I have seen Mr. De la Poer in it.

4503. Have you ever seen Mr. De la Poer with Mr. Thomas Slattery?—I have.

4504. What were they doing?—Canvassing for votes.

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4505. When was that?—It was at the public fair, in the town of Tallogh, in the county of Waterford, and that was on the 8th December.

4506. Did you see Mr. De la Poer and Mr. Slattery together at any other place?—No. I cannot say that I have.

4507. Did you at any time go into any room at Dobbins' Hotel?—I did.

4508. What did you see in that room?—I saw Mr. Slattery writing letters and circulars to voters.

4509. When was that?—Some time previous to the election; but I cannot fix the day.

4510. By the *Committee.*] Was it subsequently to your seeing Mr. Slattery and Mr. De la Poer together, or previously?—It was subsequently; and I had been in the room previously.

4511. Mr. *Mundell.*] How many times have you been in the room of which I am speaking?—Several times; a good many.

4512. What kind of room was it; what was in it; were there any papers that attracted your attention?—There were the lists of the voters; and Mr. Slattery and his clerk writing out the lists.

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4513. What was the name of that clerk?—I cannot remember his name; I know the man; if I heard the name I should know it.

4514. Was it Hallaron?—That is the name.

4515. By the *Committee.*] What was Hallaron doing?—He was going over the lists of voters, and had them in his hand, and making out lists from them.

4516. Mr. *Mundell.*] What was Mr. Slattery doing?—He was doing pretty much the same, writing letters.

4517. Had you opportunity to observe any other papers besides the lists of voters; did you observe whether there were any placards on the walls?—Not in that room.

4518. Was that room open to all people who chose to go in or not?—I should say not, inasmuch as I wanted to take the room myself as a committee-room for Captain Talbot, and I could not get it because it was taken by Mr. De la Poer.

4519. Did you want to take this room yourself?—Yes, I wanted to take it.

4520. Could you get it?—No.

4521. What time was that?—Immediately after; I went down first to Lismore.

4522. Then in the very room you wanted to take you saw Mr. Slattery doing what you have told us?—Yes.

4523. Did you see who was with Mr. De la Poer when he came into Lismore?—No, I did not see Mr. De la Poer come into Lismore.

4524. You were not in Lismore that day?—I was in there, but I did not happen to be present when he came in.

4525. About how many times did you see Mr. Slattery in this room doing these things which you have spoken of?—I have frequently seen him.

4526. About how many times?—I know him pretty well.

4527. By Mr. *O'Malley.*] You were asked how often had you seen him in the room?—Several times, I cannot say the number.

4528. Mr. *Mundell.*] And doing the same things?—Yes. He has spoken to me about the election; he had been talking on one side and I on the other, about that we ought to try to conduct the election properly, and without violence.

4529. You have spoken in that room about the subject of the election?—There and elsewhere.

Mr. *O'Malley* objected to this evidence.

Mr. *Mundell* was heard in answer to the objection.

The *Committee* consulted for some time.

The *Chairman* said the Committee were of opinion that the agency of Mr. Slattery had been proved.

4530. Mr. *Mundell.*] In this place which you call Dobbins' Hotel, were there any placards stating for what purpose the building was used?—Across the end of the wall of the hotel there was a long placard nearly half the length of this room, on a green ground, painted "Mr. De la Poer's Committee-rooms."

4531. Was there any other placard during the election on the gate-way showing that it was used for any other purpose?—Yes.

4532. What was it?—Mr. De la Poer's polling-booth; the word was "tally."

4533. Did you vote by "tallies"?—Yes, they came up by "tallies."

4534. And the voters that came for Mr. De la Poer, where did they come from?—From the gate-way where the word "tally" was marked.

4535. On the door of the room where you saw Mr. Slattery, was there any placard?—Not on the inner door.

4536. Was there any person to hinder or prevent you going in, or could you go in and out when you liked; I am speaking of the time before the election?—I would not say a general hindrance.

4537. On the day of the election was the door of this place open?—The hall door leading into the hotel was shut.

4538. On which floor was the room where you saw Mr. Slattery?—The ground floor.

4539. Was it on the right or the left of the door?—To the left.

4540. And then the hall door, how far was that from the door leading into this room?—Not as far as from here to the Chairman.

4541. That gentleman, Mr. Thomas Slattery, is the gentleman who is instructing my friend?—I have not seen him; there is the gentleman (*pointing to a gentleman sitting at the table*).

4542. Besides that gentleman, is there a gentleman of the name of John Slattery, his father?—Yes.

4543. What business is he in Lismore?—He has purchased some property lately.

4544. I ask you what is he?—A pawnbroker.

4545. Did you ever see him in Dobbins' Hotel?—Yes.

4546. In what room did you see him?—He was generally in and out, and in the room that I have described to you.

4547. What was he doing in that room?—Nothing particular that I could mention.

4548. There were papers there, did he ever do anything with respect to the papers?—I do not think I have seen anything done with the papers there.

4549. On the day of the election did you see Mr. John Slattery doing anything?—I did.

4550. What was he doing?—He was bringing up voters to the poll.

4551. Where from?—From the tally-room I told you of; and with a large green rosette with ribands on his breast.

4552. Did you see him at any time do anything else with respect to the election?—No, I could not say positively myself.

4553. Did you ever see him with Thomas Slattery?—Yes, I have seen them together.

4554. Did you ever hear any directions given by Thomas Slattery to John Slattery with respect to the election?—No, I do not call to mind.

4555. You remember Tallough Fair, that you have spoken about?—Yes.

4556. At any time did you see upon the walls at Lismore placards like that (*handing a green placard to the Witness*)?—I did.

4557. About what time first?—Some time in the early part of December.

4558. Placards like that?—Yes, I saw one of them posted on the walls of the public court-house, and I saw one posted in another part of the street, in a public place; I took them down off the wall myself.

4559. Do you remember talking with Mr. John Slattery, the father, near Mr. Thomas Slattery's door, on any day?—I do.

4560. About

4560. About what time was that?—A couple of days after I saw this placard on the wall.

4561. That would be early in December?—It would.

4562. And did you go into this house?—I did.

4563. Mr. Thomas Slattery's house?—Yes, I have known that to be Mr. Thomas Slattery's house where he kept his offices.

4564. On the hall table was there anything lying?—There were two large bundles of placards, one white and the other green.

4565. Did you take up any of either of them?—I took up the white placards, and I found——

4566. Had you seen, at any time, a white placard upon the walls of Lismore?—Yes.

4567. Did you read it?—Yes.

4568. What was that about?—It was an address from the clergy or Bishop of Waterford to the people.

4569. Did it purport to be signed by anybody?—I cannot remember, I think so; if I saw one here, I should be able to tell you if it was the same.

4570. Whatever that placard was you do not recollect, but do you remember to whom it was addressed?—I think to the electors of the county of Waterford, but I have got a copy of one of them at my hotel, I did not bring it down with me.

4571. Have you got one of the white ones?—Yes.

4572. Whatever it is you shall produce it, the Committee will allow you; where did you get that copy that you have?—In Mr. Slattery's house.

4573. You have not brought that here, but you have it at your hotel?—Yes.

4574. Was the one that you saw there the same placard that you had seen on the walls?—Yes.

4575. That was the placard that was white?—Yes.

4576. Was there any other bundle?—When I saw the white placard, I took it up and I said to Mr. Slattery, "Hallo, I may have some of these, I suppose," he said, "Yes, you may," and I took half a dozen and put them into my pocket, and when I saw the green—

4577. This is what you said to Mr. John Slattery?—Yes.

Mr. *O'Malley* objected to this evidence.

Mr. *Mundell* was heard in answer to the objection.

Mr. *O'Malley* was heard in reply.

The *Chairman* said the Committee desired him to state that they were of opinion that the conversation could not be given which took place between the witness and Mr. Thomas Slattery, when he saw two bundles of papers in the room in Mr. John Slattery's house.

4578. Mr. *Mundell.*] On this day when you were in this hall, did you see Mr. Thomas Slattery?—I did.

4579. Where did you see him?—I saw him come into the house; I may mention this, that I asked his father where he was.

4580. You saw him come into the house?—Yes.

4581. Were you and the father together when he came into the house?—We were upstairs; I do not know whether it was called the parlour or the drawing-room.

4582. Had you with you then any papers; I mean that green placard?—I think it was when I was coming down; he was in the room.

4583. By the *Committee.*] Who was in the room?—Mr. John Slattery and Mr. Thomas Slattery, both.

4584. Mr. *Mundell.*] When the two were in the room together, was that after you had taken the placard out of the hall?—No.

4585. Before?—It was before.

4586. Now you took a green placard also?—Yes; I took a dozen of them, I think.

4587. Is that one of them (*pointing to one*)?—This is one of those that I took.

4588. I believe your initials are on it?—They are.

4589. Let us see as to the going on the day of election; were you in Lismore on the day of polling?—I was.

4590. Had you committee-rooms there?—Yes.

4591. About eight in the morning did you come down with any voters to go to the polling?—I did.

4592. About how many were you with?—Probably about 60, I should think.

4593. Were there any gentlemen with you besides the voters?—The Honourable Moore Smith of Ballynacræ, and some other gentlemen.

4594. You were with these 60 voters; how far had you to go to the polling-place from your committee-room?—A good distance up the town of Lismore; I should say about 600 or 800 yards or more; 1,000 yards, perhaps.

4595. Were there few or many people in the street?—There were not many at that time; it was early in the morning; I wanted to get them down as early as possible.

4596. What was done to you?—We got right well pelted with mud.

4597. Did you know by sight there the Protestant clergyman?—Yes.

4598. What did you see done to him by the mob?—There were two; Mr. Brown and Mr. Fry.

4599. Which of these two of the Protestant clergymen did you see done anything to?—There was very little done to them when I saw them; they were coming inside the line of military, they seemed to have been rather roughly handled, and they complained to me of the treatment they got.

4600. By Mr. *O'Malley.*] Did you see anything done to them?—Nothing actually.

4601. Mr. *Mundell.*] They made a complaint to you?—Yes they did.

4602. When the voters had polled, did you want to get cars up to take them away?—I did.

4603. What happened about the cars; were they able to come or not?—I sent several messages, messenger after messenger for them and they did not come.

4604. That was up to the polling-place?—That was up to the place where I brought them down from in the morning.

4605. By the *Committee.*] Where was that?—One of Captain Talbot's committee-rooms.

4606. Mr. *Mundell.*] Did you see any persons injured by stone throwing on that day?—I saw

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Mr. Usher with his hand in a sling, and very much hurt.

4607. Was that Mr. Arthur Usher?—Yes; I saw him with his hand up in this way. (*Describing it.*)

4608. Did he complain?—He did complain.

4609. Did anything happen to you?—When the cars did not come down, several of the gentlemen came to me and said, I must have the cars down; I went for the cars myself, and when I was going up to where the line of military were, I asked one or two policemen to follow; after I passed the line of military into the mob, there was shouting and yelling, and a stone was thrown.

4610. How many were there beyond the line of military?—The whole street was filled with them.

4611. Had they anything in their hands?—I saw some with sticks, I saw one follow me with a stick, and tried to hit me.

4612. What did they say when they shouted out?—They were calling out something about the Tories, "Down with the Orange Tories."

4613. Was anything done to you?—A stone went close by me, a policeman seized hold of the person who threw the stone, and when he did so the mob got round the policeman; another policeman, who was with him, went to his assistance; he was down; they got the prisoner from him and they called out "Now Parker is unprotected down with him."

4614. Upon that being said, did anything happen?—The mob made a rush at me, yelling, one of them had a stick, when they came up quite close to me, as close as that table is, I turned round, I had a revolver, I drew it and I said the first man who attempted to strike me, I would shoot him dead.

4615. On that I suppose they let you alone?—No.

4616. What else did they do?—I kept walking along slowly, and they followed me up to the committee-rooms.

The Witness withdrew.

[Adjourned till Eleven o'clock to-morrow.

Tuesday, 2nd April 1867.

HUGH EDWARD ADAIR, Esq., in the Chair.

The Committee-room was cleared. After a short time the Counsel and Parties were again called in.

Chairman.] The Committee desire me to make a communication to the learned Counsel on both sides, to the following effect:—"That the Committee, understanding that the question of the agency of Mr. Slattery was not intended to be submitted to them yesterday by either of the Counsel, desire that, for the present, their decision on that point may be considered as reserved, it being, in their opinion, a *primâ facie* case of agency until rebutted."

Mr. Matthew Parker, re-called; and further Examined in chief by Mr. *Mundell.*

The concluding portion of the examination of this Witness of yesterday having been read:—

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4617. After that, did you go towards the cars?—I did; they were in the yard; the doors of the committee-room were inside the yard.

4618. Where were the cars situate?—They were inside a large gateway in the yard; the hotel door opened into the yard, outside which was a large gate which enclosed all.

4619. Did the cars and the car drivers come with you at once?—No.

4620. Why not?—They said they were afraid of the mob.

4621. What did you do next?—I sent for an escort.

4622. Did any escort come?—Yes.

4623. How many?—About half a troop of lancers. I think there were some police.

4624. As well?—Yes.

4625. What did they do then; did the cars go on with the escort?—The lancers formed outside the gateway, and they were divided into two parties; one went down the street a bit; the cars came out; one part of the lancers went before the cars, and one portion went after the cars.

4626. How many cars went out so escorted; about how many?—I should say 25 or 30; perhaps there may not have been so many cars in number, but they were some of them long cars with four horses.

4627. When you talk about a car, how many people do you expect to be in it, in the ordinary way?—Four, I suppose.

4628. Where did they go?—They went down to the court-house, where the voters were.

4629. Were there any people in the way that did anything as you went along with the escort?—No; the escort cleared the way and the cars went down with the stipendiary magistrate and Mr. Corrie, the agent of the Duke of Devonshire, and with the latter portion of the lancers.

4630. That enabled you to bring away the voters?—We got away the voters upon the cars, and upon each car we put a couple of policemen, and so got them out of the town escorted by the lancers.

4631. Do you know a voter named David Power?—I do.

4632. Did you go to his house?—I went to his house. I may tell you that he was in my committee-room when I came up for the cars.

4633. Did you see him there?—Yes.

4634. Had he at that time voted?—No.

4635. Did he go with you to vote?—No.

4636. Did you ask him to go with you to vote?—I did.

Mr. *Mundell* stated that he proposed to ask the witness why he did not go to vote.

Mr. *O'Malley* stated that he should object to that question being put.

The *Chairman* stated that the Committee considered that the question could not be asked.

4637. Mr. *Mundell* (to the *Witness*).] At that time was the street clear, or were there people outside?—There were a lot of people in the street outside.

4638. Then Power made some communication to you?—He did.

4639. Do you know that he did not vote?—I know as a fact that he did not.

4640. Did you go down to his house afterwards?—Yes, I did.

4641. And did you notice anything that attracted your attention in his house?—At the house; not in the house.

4642. At the house?—At the house I did.

4643. What was it?—I saw marks upon the door.

4644. Mr. *O'Malley.*] Will you describe the marks?—They were evidently stones' marks; marks of where stones had been thrown at it.

4645. By the *Committee.*] In your opinion they were the marks of stones?—Yes.

4646. Mr. *Mundell.*] What was the state and condition of the windows?—The walls and windows were similarly marked, and there were new panes of glass just put into the windows; portions of the windows.

4647. By the *Committee.*] This was on the day of the polling?—Subsequently to the polling.

4648. Mr. *Mundell.*] On what day was it that you

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you did go?—I should think on the next day; that was the day of polling; when the polling was over; it was not over until five o'clock.

4649. At what time was it that the escort formed and took the cars out of the town?—We were waiting there a long time for the escort; probably it might have been half-past two or three o'clock.

4650. You spoke yesterday of a white placard; have you got that with you?—I have.

4651. Will you produce it?—(*The Witness produced the same.*)

4652. Was it a copy of that that you saw on the walls of Lismore?—I should say so; I read the one upon the wall, and, looking upon this, I say it was a copy.

4653. Had it the same appearance as to the set of the type, and so forth?—The same appearance; and I am satisfied from the name to it that it was the same.

Mr. *Mundell.*] Then, I shall propose to read that.

4654. Mr. *O'Malley.*] Will you hand that to me to look at?—I will.

The same was handed to the learned Counsel.

4655. Is this the one you took out of the hall?—That is one that I took out of the hotel.

4656. Where did you get that from to-day?—I got it from my own portmanteau at Morley's Hotel.

The paper was handed in and read, as follows:

"Waterford Election.—Important declaration of the bishop and clergy. At a meeting of the catholic clergy of the diocese of Waterford and Lismore, held in Dungarvan, on Thursday, 15th November, 1866, presided over by the most Rev. Dr. O'Brien, bishop, the following resolutions were unanimously adopted:—Resolved, that we, the bishop and priests of the diocese of Waterford and Lismore, holding in proud remembrance the victory gained for the freedom and independence of this county under the leadership of the illustrious most Rev. Dr. Kelly, gladly avail ourselves of the opportunity now offered of regaining for our county the position then so nobly won, and at such sacrifices, by a faithful and patriotic people; and seeing the necessity now more than at any other period of our history, for representatives willing and determined to assert our rights, and obtain remedial measures for our misgoverned country, the chief among which we consider to be the unsatisfactory state of the law relating to landlord and tenant, the monstrous anomaly of the Church establishment, and the great injustice of our people being compelled to have their children brought up under a system of education repeatedly condemned by their pastors and their church; we hereby pledge ourselves to use all the influence we possess to secure the return to parliament of a member for this county holding and professing those principles.

"Resolved, that recognising in Edmond De La Poer, Esq., of Gurteen (the adopted candidate of the Liberals of this county), a true and independent advocate of the claims of our country in the British Legislature, we hereby also adopt him as the candidate of our choice, and pledge ourselves, in union with them, to use all our efforts to secure his triumphant return as our representative to parliament.

"Resolved, that ever mindful of the claims upon our gratitude of those noble and trusted friends who are always found at the side of the people and the country, we hereby renew our acknowledgments of the deep debt of gratitude which we owe to Lord Stuart de Decies, who, true to the spirit which animated him in '26 (in promising his best support to Mr. De La Poer), has again espoused our cause.

"(signed) *D. O'Brien*, Bishop,
"Dungarvan, "Chairman.
"November 15th 1866."

4657. Mr. *Mundell.*] Now, only one or two questions with reference to the green placard. You told me yesterday it had been put up early in December; do you remember any time between that and the election, when it was taken down from the walls of Lismore?—I do; I took it down myself.

4658. But I mean, not only did you take it down yourself, as you did, I dare say, but do you remember whether the placards which were on the walls at Lismore were at any time generally removed?—I did not see them there.

4659. By the *Committee.*] When was the last time that you recollect seeing them there during the election?—The last time that I recollect seeing them there was when I took them down myself.

4660. When was that?—Early in December.

4661. Was I right in understanding you to say that you took down one of the green placards that was produced yesterday, from the walls of the court-house of Lismore?—Yes.

Cross-Examined by Mr. *O'Malley.*

4662. You say you saw two put up, I think, and then you took them both down?—I do not say that I saw two put up; I saw two up.

Mr. *O'Malley* stated that he wished to recall the expression which he made use of yesterday, in deference to the Committee.

4663. Mr. *O'Malley* (to the *Witness*).] You said there were two up; did you ever see any up except those two which you pulled down?—I am pretty sure that I saw another.

4664. Will you swear you did; did you see more than these two up, upon your oath?—To the best of my belief, I saw another posted in Ferry-lane, in the town of Lismore.

4665. Did you pull down that?—No.

4666. The two that you pulled down, did you tear them down?—As to the one that I took off the court-house wall, it happened to be a very wet day, and it came off the wall easily enough.

4667. Did you preserve that?—My impression is that I sent it to my Lord Stuart, to show him what was being done by the other side in the county.

4668. Did you preserve it?—I have not it now in my possession.

4669. What did you do with the other?—I think I sent it to the Duke of Devonshire.

4670. You have not preserved it?—No; it

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was posted on a door, and it was posted on a lot of other bills.

4671. You took that without tearing it?—I took that down by the corners, and there was a lot of other bills at the back of it; it came off in a hard piece of pasteboard.

4672. Where was that posted?—On a doorway in a wall on the side of the Mall, a public street in Lismore, or New-street.

4673. Will you swear that you took out of the hall at Mr. Slattery's house two of these placards?—I will swear that I took about a dozen.

4674. If you took a dozen you took two; will you swear that you took any one of those which I call the pitch-cap proclamations out of Mr. Slattery's house; I ask you that?—I have sworn it already.

4675. Will you swear it?—I have sworn it, and do swear it.

4676. What did you do with them?—I brought them to my hotel where I was stopping.

4677. What did you do with them there?—I read one of them over.

4678. What did you do with them?—I put them on a table in my room.

4679. And kept them there?—They were there the whole time; my impression is that I put them into my carpet bag.

4680. Which; those are two different places?—I certainly left some of them on the table.

4681. Will you swear that you left any of them on the table?—I will.

4682. How many?—Some few of them, perhaps three or four.

4683. And in the carpet bag?—And in the carpet bag; I should say that I certainly put in two or three.

4684. And you have preserved one?—Yes.

4685. That is all?—That is all I have at present.

4686. Did you ever have in your hand more than two, and did you not take those two yourself out of Mr. Slattery's office?—Upon my oath, I had in my hand more than two.

4687. Not out of his house at all, but out of his office?—Yes.

4688. Did you not take two of those which you call pitch-cap proclamations out of Mr. Slattery's office, and not out of his house at all?—I did not take them out of his office at all; I took them off the hall table.

4689. Were you ever examined as to this matter before coming here?—No.

4690. Never told any one?—Not that I am aware of; nor do I ever remember being asked.

4691. How could it be opened by counsel if you had not told anyone?—It was pretty well known in Lismore.

4692. You only came to town yesterday?—It was pretty well known in Lismore, and I often told Mr. Slattery's father when he made observations.

4693. I am asking you this; did you not give your evidence to anybody before you came up?—Not as evidence, certainly to no one.

4694. Did you inform anybody how you got the placards?—I may have said so, but not for that purpose.

4695. Did you; I am not asking you as to the purpose?—Inform any one how I got the placards?

4696. Yes?—I certainly may have.

4697. You may or may not?—I may have.

4698. Did you, upon your oath?—I will not swear positively; I stated publicly that I got the placards from Mr. Slattery's place, and I told Mr. Slattery's father ——

4699. I am not asking what you told Mr. Slattery's father, I am asking what information you gave to the agents for this matter, the solicitors, or whatever they are, for this Petition; did you tell them at any time how you got the placards?—I do not remember telling the agents for this Petition.

4700. Did you tell anyone connected with this Petition how you got the placards?—No; I will tell you what I have done; I stated generally, and I stated in the town of Lismore publicly, immediately, where I had them from, and more than that I have not stated to anybody that I am aware of; but when I came over I sat down and wrote out generally what I thought of it.

4701. Did you give the placards to anyone?—I gave the placards to Mr. Hearn.

4702. Did you not tell Mr. Hearn where you got them from, on your oath?—It is generally known.

4703. I am not asking you whether it is generally known; did you not tell him where you got them from?—Probably I did.

4704. Do you not know you did?—It was so publicly known in Lismore.

4705. Do you not know that you did, upon your oath?—Upon reflection, looking back at the matter, I have no hesitation in saying that if he asked me I told him.

4706. Did you, upon your oath?—I have no distinct recollection.

4707. Did you not, upon your oath, tell him where you got them from?—I may have told him.

4708. You did tell him?—I may have told him.

4709. I will take that as "did." Now what do you mean by telling me that you never told any of the agents to this Petition; do you not know that Mr. Hearn is an agent?—I have seen him.

4710. Do you not know that he is an agent?—I do.

4711. Were not you employed by Mr. Hearn?—Mr. Hearn I know to be the agent.

4712. Were not you employed by Mr. Hearn?—I have been in communication with him.

4713. Were not you employed by him?—I think not.

4714. Will you swear you were not?—No, I think not.

4715. Who employed you?—I will tell you that; I think I had a letter in Dublin.

4716. Who employed you?—I will answer you if you will let me alone for a moment. I came here upon a telegram, not knowing what I was going to prove.

4717. I ask you who employed you?—I came here upon a telegram which I received on Saturday. I did not know what I was coming about.

4718. I am asking you who employed you?—If you will let me consider a moment I will let you know how I was employed. I have no doubt in the world about it that Mr. Hearn must have known of the transactions of the whole proceeding.

4719. Who employed you, that is what I ask you?—Upon recollection, I think the letter I had was certainly from Mr. Hearn; I think from Mr. Hearn.

4720. Mr. Hearn employed you?—I should think so.

4721. First of all you said Mr. Hearn did not employ

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employ you, and now you say he did?—I am not aware that I stated that he did not.

4722. Pray do you live at Lismore?—No.

4723. Where do you live?—In Dublin.

4724. Have you an office in Lismore?—No.

4725. And so you were going into Mr. Slattery's office, you say; did you go in to spy?—No; that is not my character.

4726. You did not go in to spy?—No.

4727. How did you know what letters he was writing?—I did not say I saw him writing any letters.

4728. In his office?—I did not state anything of the kind; it was in his private room.

4729. *Chairman.*] It was in his office *pro hac vice*?—

4730. Mr. *O'Malley.*] But in his private room did you overlook the letters he was writing?—Mr. Slattery and I have been on rather intimate terms.

4731. Did you overlook the letters he was writing?—I was standing speaking to Mr. Slattery just as close as I am to you, and he said he was in a hurry.

4732. Did you overlook the letters he was writing?—Generally he was.

4733. Did you overlook the letters he was writing?—No, not in the sense in which you impute overlooking.

4734. In any sense did you?—I was standing close to Mr. Slattery when he was writing; he did not want to conceal anything in the slightest, nor had he any occasion to do so.

4735. Did you overlook him?—No.

4736. Did you read the letters?—No.

4737. Then how came you to swear to whom they were addressed?—He went into the room, and I was on intimate terms with Mr. Slattery; and I went in and said "Hallo, Slattery," said I, "you are busy to-day?" And he said, "Yes, I am sending off a lot of letters for those fellows to post."

4738. And you are on intimate terms with Mr. Slattery?—Yes, I am; but there is one observation which I may be permitted to make; I was on intimate terms with Mr. Slattery, and last night I understood Mr. Slattery took umbrage at something that I said.

The *Chairman* directed the Witness to restrict himself to answering the question.

4739. Mr. *O'Malley.*] Do I understand you that you considered it part of your business to be intruding into Mr. Slattery's room, where the committee of the other side was?—I did not go there with any intention of harm.

4740. But to report what you had seen?—I did not go there with the intention of reporting in any way.

4741. Did you report?—No.

4742. Have you told us now?—I have answered the question.

4743. Did you tell any one whatever?—I do not believe I did.

4744. Will you swear you did not?—I cannot positively swear.

4745. Will you swear that you did not tell Mr. Hearn?—No.

4746. Who did you tell?—I do not remember telling any one at all.

4747. Then you did not tell anyone at all?—No; I believe it appeared for the first time when I put it on paper yesterday; I gave a memorandum of my evidence.

4748. Then are you so innocent in matters of election as to think that your intrusion is welcome in the private room of a person who seems to you to be conducting the business of your adversary's election?—Certainly, if I thought I should have been examined here I should never have gone there.

4749. Did you not go in for the purpose of being examined here?—Certainly not; nor should I ever have gone inside the door.

4750. Did you voluntarily give the proofs to the other side?—They told me yesterday that I should be examined, and asked me to give a note of what I had seen at the election.

4751. And in that paper you gave an account of everything you had seen in the private room?—Generally; I did not say everything.

4752. Did you take any placards out of that room in Mr. Slattery's absence?—What room?

4753. The room at the hotel?—No.

4754. By the *Committee.*] Were you ever alone in that room without either Mr. Slattery or his clerk being in it, or anyone else?—No.

4755. Mr. *O'Malley.*] You swear that you were not?—Quite so.

4756. You will positively swear that?—Quite so.

4757. Have you been there with his clerk, without him?—I may have gone into the room when his clerk was there and come away again.

4758. Have you looked at any of the letters?—Certainly not.

4759. As to the placards which were taken out of the hall, did you initial them?—No, except one.

4760. When did you initial that?—In Dublin, when Mr. Hearn came, and he asked me, had I one of the placards; and I wrote to him to say that I had; and I said, "I enclose it to you now initialed."

4761. I wonder you forgot all about your communications with Mr. Hearn just now?—With regard to the appearing here, he sent to me for that placard.

4762. Then you had actually communicated with Mr. Hearn upon the subject of this placard?—I told you before that it was generally known.

4763. And you sent it to him initialed?—No, I do not think I did; I wrote him a letter saying that I sent him the placard initialed; I remembered then that I had not initialed it, and I went back to his office, and he handed it back to me, and I put my initials upon it.

4764. Where is his office?—19, Earl-street North, Dublin.

4765. You said that you sent it to him initialed, and then you remembered that you had not initialed it, and then you went down to his office and initialed it; is that so?—Yes, in his office.

4766. Had you brought this from Lismore with you?—Yes; I did bring that from Lismore with me to Dublin.

4767. Will you just tell me how many soldiers were at Lismore on that day?—I think that at Lismore there were a troop of carabiniers; I think that the only soldiers that came to Lismore for that purpose were a troop of carabiniers and some police.

4768. I am not asking you for what purpose they came, I am asking what soldiers there were?—No, I cannot tell that; yes, there was a company of infantry in the castle at Lismore; they had been there some time.

4769. There was a troop of carabiniers?—Yes, there was.

4770. Was

4770. Was there a troop of lancers?—No, they came from another district.

4771. I am not asking you where they came from?—There were some lancers; I cannot say that there was a troop.

4772. Was not there a troop of lancers there; you were the agent there?—I was.

4773. One of the agents?—I was the agent there.

4774. Was there a troop of lancers?—I will not say that there was a troop of lancers.

4775. Were there 120 infantry?—There were infantry stationed at the castle at Lismore, but I do not know how many were there.

4776. How many do you suppose?—About a company.

4777. And about 150 police?—No, I do not suppose that there were 150 police.

4778. How many should you suppose?—I should say, from looking at them, that there were from 80 to 100.

4779. And there may have been 150?—I should say, to the best of my belief, that there were 100.

4780. Then there were four magistrates?—I certainly saw three of them, and to one of them I took a sworn information.

4781. You are going out of your way, and when you go out of your way you are not standing on solid ground; will you swear that there were not four?—I saw three.

4782. Do you not know that there were four?—Not that I am aware of; I heard that there was a fourth, but I did not see him.

4783. Do you not know that there were four?—No.

4784. At what time was the principal part of the polling over?—It was over early, the principal part.

4785. About 11 o'clock?—I should not say 11; I got a large body of voters in at about half past 12, I should say.

4786. And that was about the close, was not it?—The polling was virtually over, as far as that we saw that the numbers were against us, early in the day; thereabouts.

Re-examined by Mr. *Mundell.*

4787. When was the first time that Mr. Hearn made any application to you on the subject of the placard?—In Dublin the other day.

4788. About when this year?—Within a fortnight; I should say within a fortnight decidedly.

4789. Did Mr. Hearn call upon you, or did he write to you?—I think he wrote to me to know if I had a copy of the placard, and if I had, to send it to him.

4790. And then, having sent it to him, you went down to his office and initialed it?—Yes; quite so.

4791. Did you see Mr. Hearn when you initialed the placard at his office?—Yes, I did.

4792. Was there any conversation with him upon the subject of the placard or not?—No.

4793. I want to know whether between that time and your coming to London you ever made any further communication to Mr. Hearn about the placard?—None.

4794. When were you first served with any notice to attend this Committee?—On Saturday evening about four o'clock, I got a telegram to come over immediately to be examined as a witness, and started on Sunday and came over here.

4795. Up to the time of your coming to England, did you give at any time to Mr. Hearn any proof, or any deposition, or any statement as to what you were to be examined about?—No; except a memorandum of the heads of what I was to be examined about. I sent for counsel.

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4796. But you did not, before coming to London, give anything to anybody?—No.

4797. Is that your handwriting (*handing a paper to the Witness*)?—It is.

4798. Did you draw that up after you came here?—I drew it up yesterday morning.

4799. Was any one present when that was drawn up by you?—Not in communication with me.

4800. Where was this done?—At No. 18, Abingdon-street.

4801. That is the office of the Petitioner's agents?—It is.

4802. Were you examined upon this in any way, as an attorney examines a witness?—I wrote it out as my own statement, and was not examined in any way.

4803. Is Mr. Thomas Slattery's house and his office one and the same place or not; is his office in his house, or is it in a different building?—The office is in the house.

4804. I mean his office as a solicitor?—His office as a solicitor is in the house.

4805. Were you at any time in that office (I am speaking of the office, I am not speaking of the committee-room), or in that house, excepting when you were there with Mr. John Slattery, the father?—I have been in Mr. Slattery's house with him often upon business, and often walked in and had a chat with him.

4806. At any other time that you were there did you ever see any of those green placards, excepting on the occasion which you have spoken of, the day when they were in the hall?—No.

4807. Mr. John Slattery was with you, I understand, when you took those green placards?—Mr. John Slattery and Mr. Thomas Slattery came into the house.

4808. Did he come in after or before you had received the placards?—I think it was before.

4809. I want to know whether Mr. Thomas Slattery ever had any conversation with you with reference to those placards and the taking of them?—No, I do not remember that he had.

4810. But his father was by when you took them?—He was.

4811. It was put to you that you went to spy; what object had you in going to the committee-room at Dobbyn's Hotel when you saw Mr. Slattery?—I had no object on earth except to go and have a chat with Mr. Slattery; and, as I stated a while ago and repeat again, that if I had the shadow of a shade of thought that I should be examined and brought here upon the question of examination, I should not have gone into his room.

4812. Did you go there for the mere purpose of chatting, or was there any business connected with the election that you went about?—No special business about the election, but I chatted about the election whilst there. I said that there were reports about rows through the country; that as far as Lismore was concerned——

4813. I did not ask what you said to him. How many times do you think that you saw Mr.

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Slattery after you took those green placards out of the hall; how many times do you think you saw him between that time and the election?—I saw him a good many times. I have often seen him going down there. I have seen him with a very fashionable waggonette and a pair of horses standing at the door.

4814. Did he ever make any complaint to you in respect of your taking the green placards?—No, he did not.

4815. You said that you had spoken publicly of this?—Yes.

4816. Where was it that you spoke publicly of it?—In the open street.

4817. At what time; how soon after you had the placard in your possession?—I was stopped by the Chairman when I was giving the circumstances under which I made the statement.

4818. But you will not be stopped now; how soon after that did you speak publicly; how soon after you had had the placard from the hall of Mr. Slattery?—I should say the same day.

4819. To many or to few?—I might have said to any of my party, or any acquaintances, "Hallo, by George, I have got the green placard."

4820. Did you, or did you not, when you went into the hall of Mr. Slattery's house, know whether the green placard was there or not?—No, certainly not; nor had I any suspicion that it was there.

4821. Excepting the time that you have spoken of in Dublin, did you ever communicate with Mr. Hearn, directly or indirectly, upon the subject of this placard, excepting when he wrote down to you at Dublin, and you went down to his office?—No.

4822. By the *Committee.*] Is Lismore a quarter for troops?—There are no barracks for troops in Lismore, but there have been troops stationed in Lismore, at the castle, for a long time, since the talk about the Fenian outbreak.

4823. For some time?—For some time before they had been stationed in the castle.

4824. Were there any other troops on the day of the election than the half troop of lancers, and such troops as were stationed in Lismore Castle?—There was a troop of carabiniers.

4825. Had they been there long?—They came in, I think, the day before.

4826. They had not been there longer than the previous day?—Not longer than the previous day, or certainly the previous evening before that.

4827. How many different placards did you see regarding the election in the town of Lismore; you saw the clergy placard and you saw the Beresford placard; did you see any other placard?—There were some other placards, such as "Vote for De La Poer," and "Do not vote for Beresford," "Remember the 26th;" in short, placards with a few words on them, in very long letters.

4828. On what coloured papers were those placards printed?—I have seen them on white and green.

4829. Had you taken down the two Beresford's placards before you went into Mr. Thomas Slattery's house?—Yes, I had.

4830. When you went into the hall, were the placards folded up or lying open?—There were two large bundles of white and green placards upon the hall table.

4831. I asked, were they folded up or doubled over?—They were doubled on the table, so that I could not read them.

4832. You could not read their contents?—No, not on the table. I took them up at the time, and I saw what they were; and I said to Slattery, "Hallo, by Jove, I will have these."

4833. Then until you took up the green placard, and opened it, and read it, you were not aware what the contents of that placard were?—Not the particular one in the hall until I saw it.

4834. Did you, at any time during the election, authorise Mr. Thomas Slattery to do any act, you acting as agent for Captain Talbot?—To do any act?

4835. Did you make any arrangement with Mr. Thomas Slattery, regarding the proceedings of the election, as Captain Talbot's agent?—Not further than my having stated to Slattery that there was a general report that there was bad work through the country; but I said, "Slattery," says I, "between us, you on one side, and I on the other, we will have this properly managed."

4836. With whom did you communicate regarding the necessary arrangements of the election?—I do not exactly know.

4837. Did you communicate with anybody of the opposite party, on Mr. De La Poer's side, with regard to any arrangements for the election which might be necessary?—No, not further than what I stated to you now, that I mentioned to Mr. Slattery.

4838. Were you Captain Talbot's sole agent in Lismore?—I had the management of the barony in Lismore; I had the whole of the direction in the barony.

4839. And no one was concerned with you in that district which was committed to your charge?—There was a younger brother of mine in the town of Tallow; but that was included in the district, and I may have given some directions to him.

4840. Do these two baronies of Coshmore and Coshbride comprehend the town of Lismore itself?—Yes; there is only one barony; it is called the barony of Coshmore and Coshbride.

4841. You mean there is only one barony in the whole of the Lismore polling district?—There is only one barony, and that barony is called Coshmore and Coshbride.

[The Witness withdrew.

Mr. David Power was called in; and, having been sworn, was Examined by Mr. *Harris*, as follows:

Mr. *D. Power.*

4842. Where do you reside?—I reside at Lismore, in the county of Waterford.

4843. Do you hold any situation in the barony of Coshmore and Coshbride?—A portion of it; that is, I am poor's-rate collector for a portion of it, and I am income-tax collector besides that.

4844. And county cess?—No; income-tax and poor's-rate collector.

4845. Are you an elector of Lismore?—I am.

4846. Did you vote at the last election?—No.

4847. Do you recollect Mr. Edmond De La Poer's

Poer's having come to Lismore, on the 8th of December last?—He came there some time.

4848. You cannot tell the day?—No, not exactly.

4849. Was it before the election?—Yes, some time before.

4850. Do you recollect whether that happened to be the fair-day of Callow or not?—No, I think not; I think it was the day before the fair-day.

4851. Did you see Mr. Edmond De la Poer on that day?—I saw him.

4852. Was he accompanied, on his entry into Lismore, by the Lismore band?—I think he was, but I am not very certain of that.

4853. Do you recollect what troops were stationed at Lismore on the day of the polling?—There were a great many police, and part of the 12th Lancers, and dragoons.

4854. Did you know of the dragoons being there?—Yes.

4855. Did you know of the infantry being there previously?—Yes, in the Castle.

4856. Did you see the polling going on, on that day?—No.

4857. Were you in the street on that day?—No.

4858. On the polling-day?—No.

4859. Where were you?—I was at the French Hotel, in Lismore.

4860. Is that an hotel kept by a Frenchman?—Yes.

4861. By the *Committee.*] Was that Captain Talbot's house?—Yes, it was.

4862. Mr. *Harris.*] Did you see what was going on in the street, in the immediate neighbourhood of that hotel?—I did.

4863. Do you know a person of the name of Patrick Brown, a voter?—I do.

4864. Whose tenant is he?—A tenant of the Honourable Moore Smyth.

4865. Did you see anything done to him?—I saw a man catch him by the neck, and pull him into the street.

4866. Did you see a man of the name of Griffin there?—I did.

4867. Is he an elector for the county of Waterford?—Yes.

Mr. *O'Malley* objected to this evidence.

Mr. *Harris* submitted that he was entitled to ask how Patrick Brown and others were ill-used on the day of the poll, and prevented from voting.

Mr. *O'Malley* was heard in reply, and submitted that there was no evidence of riot in this case.

Chairman.] The Committee desire me to state that if it is to be shown as an act of rioting, it must be an act committed by a mob, and not an individual attacking an individual.

4868. Mr. *Harris* (to the *Witness*).] What you saw done to Brown, was that done by more than one person?—More than one, or two, or three, or four.

4869. How many persons were there in the collection who did that to Brown?—There were a great many in the crowd who had hold of him, there were 50 or 60 or more in the crowd.

Mr. *O'Malley* stated that he proposed to interpose a special cross-examination of this witness with reference to this point, and was heard in support of his alleged right.

Mr. *Harris* submitted that in this case it had been proved that there was a riotous assemblage.

Mr. *O'Malley* was heard in reply.

The Committee deliberated.

The *Chairman* stated that the Committee were of opinion that the learned counsel might proceed with his examination in chief.

4870. Mr. *Harris* (to the *Witness*).] You have stated that you saw about 50 people?—A large crowd of people.

4871. What was their demeanour?—A very low class of people.

4872. By the *Committee.*] What was their behaviour?—They were screeching, and dragging, and tearing about, and three or four of them were dragging this man, and the rest were shouting out after him.

4873-4. Mr. *Harris.*] You have been speaking now of a man of the name of Brown, a tenant of Mr. Moore Smyth's; do you know a person of the name of John Griffin; is he an elector?—I do.

4875. Is he an elector?—He is.

4876. Does he vote for Coshmore and Coshbride?—He does.

4877. Did you see anything that was done to him by the same crowd?—The same crowd.

4878. Do you know Mr. Arthur Ussher of Camphire?—I do.

4879. Is he a magistrate for the county?—He is.

4880. Did you see him coming into the town?—I did.

4881. How did he come in?—Upon a side car.

4882. Did you see the crowd that was in the street do anything to Mr. Ussher?—I saw one man only.

4883. Was he one of the crowd?—He was; he was in the street among the people there.

4884. What did you see done to Mr. Ussher?—I thought it was shaking hands with him he was.

4885. Did anything happen to Mr. Ussher?—I saw this man catch hold of him by the hand, and he drove on; the coachman drove on the car, and then they got out of my sight, and I did not see any more of them.

4886. Did you see Mr. Ussher after the polling?—I did.

4887. Where did you see him?—Driving home.

4888. Did you see anything wrong with him?—I thought I saw his arm tied up in a handkerchief, a sling of some sort.

4889. Do you know Mr. Brown, and Mr. Fry the clergyman of Cappoquin?—I do.

4890. Did you see anything done to them by the mob that was in the street?—I saw a person crousting at them the mud in the gutter.

4891. What do you mean by crousting?—Throwing it at them.

4892. Were they then on their way to the court-house?—They came into the French Hotel yard to put up their horse and car.

4893. What did you see happen then?—I saw some men throw some dirt at them.

4894. Do you know a man named George Goold?—I do.

4895. Did you see anything happen to that man

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man that day?—He was going to the polling place, and he was driven back twice off the street.

4896. By whom?—Part of the mob and a parcel of women.

4897. Did you see Mr. Burrows of Drumrow on that day?—Drumrow.

4898. Yes?—I did.

4899. Did you see anything happen to him?—The same as the last; the women were croustring him with mud from the street.

4900. Did you see a man named George Wilson Jones?—I did.

4901. Where does he live?—At Callow, in the county of Waterford.

4902. Is he an elector of the county of Waterford?—He is.

4903. Did you see anything done to him?—I saw some stones thrown at him.

4904. By whom?—Some persons in the crowd; I could not tell who they were; the police were then guarding him.

4905. When the stones were thrown at him, was he under escort?—He was.

4906. Where was he going to?—From the court-house.

4907. Where to?—To his sister-in-law's, who lives in Lismore.

4908. Did you see anything else happen to any other electors?—I could not tell you.

4909. What was the state of the streets of Lismore, as far as you could see it on that day?—I did not see anything very cross amongst them; they were not very cross; the women were the worst party there, the men were not very cross at all, as far as I could see up where I was.

4910. By the *Committee.*] Did not George Goold vote?—He did vote, I think.

4911.] You say he was driven back from the polling place?—He was on his way going, and driven back to the gate of the French Hotel, where he was stopping; he was on his way to the polling place.

4912. As far as this remains at present, he was driven back in his attempt to go and poll?—He was.

4913. Mr. *Harris.*] Do you know, of your own knowledge, whether he afterwards went to the poll?—I cannot say, but I am sure he polled.

Mr. *Harris* admitted that Goold had polled.

4914. To the *Witness.*] You live in Lismore, do you not?—I do.

4915. Do you know the people at Lismore generally?—As well as any man.

4916. Who were that mob; do you know, of your own knowledge, of whom that mob consisted?—I cannot tell you.

4917. Were they Lismore people?—I think not; I think the Lismore people are very quiet in general; they were country people that came in from the country; they always make the thing worse.

4918. By the *Committee.*] Then when you say the men were not very cross, what men do you mean?—I mean the Lismore people. I do not mean to say the Lismore people were anything at all, but the women were very cross; that is, the Lismore mob; the women were always very cross, and they were cross there.

4919. Who did the principal part of the mob consist of?—Strangers to me; not belonging to the town.

Cross-examined by Mr. *O'Malley.*

4920. I believe you yourself tried to get up a little bit of a mob once, did you not?—Me?

4921. Yes?—When?

4922. At the day of the election?—No.

4923. Did you not attempt to get a parcel of boys together before the election?—Not at all.

4924. Did you not give them a little drink?—I did.

4925. When did you give them a little drink?—A week or 10 days before.

4926. The men and the women and boys?—I do not mean to say many of the women.

4927. But the boys and the men?—Those were a few of the town boys.

4928. Were you in the service of Captain Talbot at the election?—I do not think I was.

4929. Do you not know you were?—I was speaking to Mr. Mat Parker on several days.

4930. Do you not know you were?—I was not employed by him.

4931. Were you then employed by Mr. Parker?—No.

4932. Acting for him?—No.

4933. What took you to the French Hotel so much?—I go there almost every day, when I am at home.

4934. During election times?—Yes, and before and after.

4935. You told us that you were an auctioneer and a sheriff's officer, did not you?—I did not say anything about that till now.

4936. What are you?—I am the deputy subsheriff of the county of Waterford.

4937. You are not sheriff's bailiff?—I am not; I do all the respectable part of the business, but I leave all the other to the other lads.

4938. You were ready to be employed by either party, were you not?—I refused to be employed by Mr. De la Poer's party.

4939. Did you not ask to be employed?—No, a gentleman there asked me to be employed.

4940. Upon your oath did you not ask him to employ you?—Upon my oath, he called me into the square at Lismore, when Mr. De la Poer and himself came there, and he said, I have a message from O'Donnell of Carrick for you, and we will give you so much if you will come and join our party. "No," I said, "I will not."

Re-examined by Mr. *Harris.*

4941. Did Mr. Slattery offer you anything?—He did.

4942. How much?—£.10; you have brought that out of me.

4943. By the *Committee.*] Did you remain in the French Hotel the whole of the day?—The polling day?

4944. Yes, the whole of the day, and the night before.

4945. And never went into the street at all?—Only into the yard; the yard is just on the street.

4946. Are you a voter?—I am.

4947. And did you vote at the last election?—No.

4948. Why did you not?—I was afraid to go on to the hustings.

4949. What frightened you?—My windows were broken in the night before, the 28th; my windows

windows were broken, and my wife wanted me to go home. I said, "I will not go home; there is a party watching me, if I go out;" so I remained there all that night.

4950. At the French Hotel?—Yes.

4951. Why did you not go out the following day to vote?—I was afraid of being attacked.

4952. Could not you have had such protection as would have enabled you to exercise your franchise?—I could not have walked down to the court-house; I had broke the cap of my knee.

4953. Could you not have had a car?—I did not ask for that.

4954. I daresay you are a very popular man in Lismore?—Pretty fair.

4955. It is rather your office than yourself that is unpopular?—It is my office which is so; myself is not very unpopular.

4956. But you took no steps to go and vote, but you staid at the French Hotel the whole of the day?—I did not take any steps to go at all. I took no steps to go. Mr. *D. Power.* 2 April 1867.

4957. Did anyone ever tell you that you had no vote?—Never.

4958. Then you had a firm persuasion that you had a vote, if you had chosen to exercise it?—I had it on the register.

[The Witness withdrew.

Mr. *Mundell* stated that he thought that if the Witness had voted, he would have been subjected to a penalty as being a collector of income tax.

Mr. *Harris* stated that the Witness was only a deputy collector.

THOMAS HAYES, was called in; and, having been Sworn, was Examined by Mr. *Bourke*, as follows:

4959. ARE you a voter for the county of Waterford?—I am. *T. Hayes.*

4960. Where do you live?—I live at a place called Carrhuan.

4961. By the *Committee.*] Whereabouts is that; where is it near; what large town?—It is just within nine miles of the city of Waterford.

4962. Is Waterford the nearest town to you?—It is.

4963. Mr. *Bourke.*] How far is it from Bondmahon?—About three miles.

4964. Do you know the house of Mr. O'Donoghue?—I do.

4965. Is he here?—I do not know is he here or not.

4966. You have not seen him to-day?—No, I have not.

4967. How far is your house from Mr. O'Donoghue's?—It is over, I believe, three miles.

4968. On the Friday morning, the 28th of December, did you leave your house?—I did.

4969. What time?—About eight or nine o'clock.

4970. Where did you go to?—I went through the country entirely, just off; I made as good a way as I could to Mr. O'Donoghue's house.

4971. Did anyone go with you?—Michael Corn went with me from the same place.

4972. Is he a voter?—He is.

4973. I believe you crossed the river Mahon, did you not, on your way?—I did.

4974. After crossing the river Mahon did you meet any other voters?—I did not; Denis Moran was there coming after me, and I stopped on the hill till I showed him the path across the river.

4975. Did you then go to Mr. O'Donoghue's house?—We all went to Mr. O'Donoghue's house.

4976. What time of day was it when you got there?—I believe it was about two o'clock; that way or in or out with it.

4977. Were there many people in Mr. O'Donoghue's house besides those whom you have mentioned?—There were four.

4978. Besides the names of the people you have just mentioned?—There was, and more than four; there was two more of our people who came up from Kill, John Colan and John Brazil.

4979. Do you then recollect about three o'clock that day?—I do.

4980. Did any people come to the house that day about three?—There did.

4981. Had they anything in their hands?—They had sticks.

4982. What did they begin to do when they got up to the house?—They came to the house, and they called for a man who was within there, called Redman, a voter, to send him out to them, and they wanted no one but him, and that he should come out. Then we ordered him out, and they all of them passed away then.

4983. Then he went out?—He did.

4984. Was he a voter?—He was; he was a voter.

4985. Did they shout?—They did.

4986. Do you recollect 10 o'clock that night?—I do.

4987. Did any people come to Mr. O'Donoghue's house that night, about 10 o'clock?—They did.

4988. What did they do?—They broke the windows of the house, and wanted all the voters within, that they should get them.

4989. Did you hear anything that they said besides that?—No, I did not.

4990. By the *Committee.*] What did you hear them say?—That they should get what voters was within, or just that they would break the house down.

4991. Were the windows broken?—They were.

4992. Mr. *Bourke.*] Was anything else done to the house?—No; I did not see anything done to the house, but the windows broken.

4993. Was Mr. O'Donoghue there then?—He was.

4994. And Dr. Hunt?—Yes.

4995. Was anything done to you?—No, there was not.

4996. In the house?—No, nothing.

4997. Afterwards, was anything done to you?—No.

4998. Nothing at all?—No.

4999. Did the mob say anything to you?—They told me just that if I would not go quiet with them, that I should go quiet.

5000. And did you go?—I did go.

5001. And the rest of the voters?—Yes, except two.

5002. Did you hear them say the same things to the other voters?—I did.

5003. About how many men were there at this

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this time?—I could not tell; I believe there was up to 100 of them there at the same time, or over.

5004. By the *Committee.*] Was it light or dark?—It was about 11 or 12 o'clock at night.

5005. Was it light; could you see the people?—I could see the people.

5006. Could you see how many people there were, or only just the people who were near you?—Yes, I could.

5007. Mr. *Bourke.*] Were there any other voters, whose names you recollect, taken away then?—There were four more.

5008. What were their names; do you know a man named Martin Power?—I do.

5009. Anybody else?—There were three more.

5010. What were their names?—I do not recollect their names; they were from Ballynaneen; they were the voters that belonged to Lord Waterford. I believe three of them, and another belonged to another gentleman that took some of the ground there, purchased it.

5011. Where did they take you to?—We were all took together.

5012. Where did they take you to?—The two that was within the house, was it?

5013. Did they take you altogether?—Yes.

5014. Where did they take you to?—To Bondmahon. We went in first, near to Bondmahon, to a public-house that was there, and they gave us half a barrel of beer, which we drinked in about seven minutes.

5015. Where was that?—About half-a-mile from O'Donoghue's house.

5016. What did they do to you?—They took us off the road till we went to Bondmahon.

5017. Whose house did they take you to?—Veale's.

5018. Was the mob with you all the time?—All the time.

5019. While they were bringing you from O'Donoghue's house to Veale's, were they shouting?—They were.

5020. What were they shouting?—Shouting everything.

5021. But you must tell us a little more precisely what were the words they were shouting?—Shouting for De la Poer.

5022. How long did they keep you at Veale's house?—From about 12 to the first break of day.

5023. Till the break of day?—Yes.

5024. That was the Saturday morning?—That was, I believe, the Saturday morning; the time of the election day.

5025. Then where did they take you to at the break of day?—They brought us down then to the cliff; they went just near the cliff with us, near the sea.

5026. That is a cliff hanging over the sea?—Yes.

5027. What did they do with you when they got you to the cliff?—We were all brought down and put into just a mine-hole, about five or six perches long; we went up to where the shaft was, and we were obliged to stand round the shaft.

5028. When they put you into this mine-hole, did they say anything to you?—They did not, only just that I should stop there until six o'clock in the evening.

5029. Where did they remain while you were down in the mine-hole?—They were not along with me; just watching me; they sat along.

5030. Some were inside the mine-hole with you?—They were.

5031. Some were outside, I believe?—Yes.

5032. How long did they keep you there?—They kept me there till 11 o'clock, and I asked them to let me go and take some refreshment.

5033. You were a little hungry by that time?—Yes; and some said that I would not, and some said that I would, and they sent two men with me; and I went to Nicholas's house, a public-house, and got my breakfast there, and there was another came in after taking my breakfast.

5034. Did you go through Bondmahon to go to Nicholas's house to get your breakfast?—Nicholas's house was in Bondmahon.

5035. Were there any people in Bondmahon at this time?—They were just getting up, and walking the roads.

5036. Many people?—There was about 50 of them around us that used to be going and coming.

5037. Did they come in and out of Nicholas's house whilst you were there?—Some of them came in there; there was many of them.

5038. Did any of them say anything to you at that time?—No; one of them came and he asked us what we would do, and why we were not going over to the rest of the men, and he told us to go, and I went over with the rest too, guarded by three, and I went over; they thought then to put me down in the cliff. I told them I could not go down; I was not well acquainted with the cliff, and that I would stop above, and they left me above.

5039. What time was this?—It was about 12 o'clock in the day.

5040. Were you above ground for the rest of the day?—I was.

5041. What happened to you then?—I was brought off their about two o'clock under the mine-hole, and I was obliged to stop there till about half-past three. I was walking the strand trying to keep myself warm, and asked them to let us go into Bondmahon, and that we would go into any house in Bondmahon and that we would stop there, and that they should stop outside; and they told me that they would not, and that I should stop there till six o'clock; and I went round again a second time and asked them to come with us, and some of them said they would, and more said not, and after all they came with us up then, and we came into Nicholas's house about half-past three. We took a quart of whiskey there and a half gallon of beer; it was four o'clock at that time; four o'clock struck, and I got up and said it was time to go home, and I went to the door. A man caught me just by the coat, and told me that I should not leave that place till six; Nicholas was there, and he told me to come in and stay there along with himself, and that I was to stay there till six o'clock, and that he was to keep me there, and so I did; and in about five minutes I heard a man outside coming and desiring that all the men were to go home, and that they were ordered home, and then we were left home.

Cross-examined by Mr. *O'Malley.*

5042. What were you doing at Mr. O'Donoghue's?—Playing cards.

5043. Playing cards?—Yes; waiting for the cars to bring us to Dungarvan.

5044. That is dry work playing cards; is that all

all you were doing?—That is all I was doing just when the mob came.

5045. What had you been doing before?—We took some bread and beer in.

5046. Something more?—That was all we took.

5047. But there were some of the others who were taking something a little stronger?—I do not know; I did not see that.

5048. Did you not see whiskey?—No, I did not, nor taste it either.

5049. Now, was there not plenty of whiskey, plenty of beer, and plenty of bread?—I did not see a glass of whiskey in the house as long as I was there, but I saw half a barrel of beer, and about seven shillings or eight shillings' worth of bread.

5050. And you were sitting up drinking and playing at cards?—No, we did not drink at all when we had our dinner taken; there were six of us playing cards, waiting just till the drivers of the cars came to bring us away.

5051. May I ask whose tenant you are?—I am a tenant of Mr. Malcolmson.

5052. Is he the landlord of a man of the name of Casey?—He is.

5053. Have you a lease?—I have a lease of one of the farms, but I have not a lease of the other.

5054. You hold them both from Mr. Malcolmson?—I hold them both from Mr. Malcolmson.

5055. Who canvassed you; who ordered you to vote?—I will tell you who ordered me to vote; Mr. Malcolmson wanted my interest, and I was his tenant, and I said he had a right to get it before any of them.

5056. Did you not say you did not wish to vote?—No, I did not; but look at this; if I was let from Mr. O'Donoghue's house, that is the Saturday, I would go and vote for Captain Talbot whatever I said.

5057. Whatever you said?—Yes.

5058. Did you not say that you would rather not vote for Captain Talbot?—I did not.

5059. Be quiet now; did you not say, upon your oath, that you would rather not vote against Mr. De la Poer?—I believe I did.

5060. You know you did?—No, indeed, sir; I am not just aware of it.

5061. Do you swear you do not know you did?—No.

5062. You believe you did?—Yes.

5063. But you do not know you did?—Yes.

5064. Did you not tell the people before you went away that day, you would rather not vote against Mr. De la Poer?—I did not see any people that day just when I left the house.

5065. Did you say to your own people that you would rather not vote against him; come, upon your oath?—I believe I said so.

5066. You believe you said so?—Yes.

5067. And you would like a good excuse for not voting?—What?

5068. Did you not say you would like a good excuse for not voting?—No.

5069. Upon your oath?—Only just there when I was taken; I would go from Dungarvan.

5070. Did you not say that day you would like to have a good excuse for not voting?—No, I did not.

5071. Did you not say you wished you were not obliged to go?—I did for certain, because I was in dread that they would injure me.

5072. You said that you wished you were not obliged to go?—I did say that, because I was in dread that these blackguards would injure me.

5073. Were you not as much in dread of your landlord?—I was not, nor near it.

5074. On your oath?—No, not nearly.

5075. Were not you in dread of your landlord?—No, I was not.

5076. Were not you told that you would be turned out of your land if you did not vote?—No, I am sure he would not turn me out of my land.

5077. You will swear you were not?—No.

5078. Suppose you had a lease of both denominations, which way would you have voted; suppose you had a lease of both your farms?—On my oath, there is no one I would vote for sooner than my landlord.

5079. On your oath, which way would you have voted if you had had a lease of both your farms?—I would have voted for Captain Talbot.

5080. You would?—Surely.

5081. Do you know whether Casey had a lease or not?—I know his father had a lease.

5082. Which way did he vote?—For Mr. De la Poer.

5083. When you were going away from Mr. O'Donoghue's with the mob, they were shouting "De la Poer"?—They were.

5084. I will not ask you, because you have shown yourself such a mild unexciteable man, what you said, but was not every man who came out of Mr. O'Donoghue's house shouting for Mr. De la Poer?—They should shout for him.

5085. They were shouting as heartily as any others that were there?—They should do so; except they did so they would get the stick.

5086. Did you shout for him?—I did, sure.

5087. And tossed up your hat, too?—Not a cap nor a hat.

5088. But you shouted for Mr. De la Poer too?—Yes.

5089. Then you say that you got into the mine; you did not go down after you went away for your breakfast?—I did not.

5090. You did not partake of the eating and drinking that was going on in the mine?—No.

5091. You saw plenty go down there, did you not?—No, I did not; I was not there; there was some women belonging to the men that was there; they came with some whiskey, too.

5092. Now, you were glad not to displease either party, were you not?—Either party?

5093. Yes; are you not yourself very glad that Mr. De la Poer is Member for Waterford?—Begad I do not know whether I am or not; there is many as good as Mr. De la Poer; there is plenty going about; we can get as much as that for one or the other; I did not care which of them got in.

5094. Upon your oath, are you not glad that Mr. De la Poer is Member for Waterford?—On my oath?

5095. Yes?—Yes.

5096. Are you not?—No; I told——

5097. Are you not, on your oath, glad that Mr. De la Poer is Member for Waterford?—I am sure I am.

Re-examined by Mr. *Bourke*.

5098. Would you not also have been glad if Captain Talbot had been Member for Waterford?—I would, surely, just as well.

5099. You have said that you shouted for Mr.

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De la Poer too; you told my learned friend so?—Yes.

5100. Why did you shout for him?—Begad, it was better for me to shout for him than for me to get the stick in the forehead.

5101. Was that the reason you shouted for Mr. De la Poer?—It was.

5102. Mr. Malcolmson is your landlord?—He is.

5103. A good landlord?—He is all that.

5104. And you wish to oblige him?—I did, and I would do it.

5105. You would?—I would.

5106. And you wished all along to vote for Captain Talbot?—Yes; those who were there in the house would have gone and voted for Captain Talbot the same night, only they were taken out of Mr. O'Donoghue's house; I am sure of that.

[The Witness withdrew.

JOHN TOBIN, is called in; and, having been Sworn, was Examined by Mr. *Harrison*, as follows:

J. Tobin.

5107. WHERE do you live?—In the parish of Kill.

5108. What is the name of your place?—Caeran.

5109. Is that in the neighbourhood of Ballynaneen?—Between two and three miles from it.

5110. Were you at O'Donoghue's house on the evening of the 28th of December?—I was.

5111. Were you in the company of the last witness, Thomas Hayes?—I was.

5112. Were you in the house with him?—Yes.

5113. Are you a tenant of Mr. Malcolmson's?—I am.

5114. Were their any other persons at O'Donoghue's house with you and Thomas Hayes?—There was.

5115. Do you recollect the names of those persons?—Yes, I do, some of them.

5116. How many were there altogether?—I believe there was about 13 or 14; I do not know which.

5117. Did you go to O'Donoghue's house?—We went out of it in the night.

5118. At what time did you go yourself there?—Along with Hayes and the rest of the party that was taken out along with me.

5119. Do you recollect the party coming to that house and hearing anything said to you when you were there?—I do.

5120. What time did the first party come there?—I believe that it was after nightfall; I am not sure what time of night was it.

5121. Do you recollect being taken away from the house?—I do.

5122. About what time was that?—About, I believe, 10 o'clock when we were taken out of the house.

5123. Where were you taken to, or were you taken anywhere?—We were taken away to Bondmahon.

5124. Were you taken with Hayes?—Yes.

5125. Where were you taken?—To Ballynaneen, and from that to Bondmahon.

5126. Where were you put to, and where did you stay?—We were put into a house for a spell.

5127. Do you know whose house that was?—I do not know.

5128. Was that house in Bondmahon?—Within Bondmahon.

5129. After having been in that house, were you taken anywhere else?—I was, to the mine-hole.

5130. What time was that?—Something before eight; I cannot tell what time it was.

5131. Was it with your will, or against it, that you were taken to the mine-hole?—Against my will.

5132. How long were you kept in the mine-hole?—We were kept in the hole for a spell. I do not know how long we were until we went out on the strand for another spell.

5133. Were there people with you when you were on the strand?—There were.

5134. Were you brought back to the mine-hole from the strand?—The strand is opposite the mine.

5135. Were you brought back to the mine-hole again?—I was brought back from that and lifted up on the cliff, and then brought to another hole.

5136. How long did you remain in that second hole, up to what time?—That I do not know; I could not say how long it was.

5137. About what time were you away?—I might have been an hour. I could not say whether an hour or less.

5138. Did you leave at the same time that Hayes did?—I did.

5139. And, up to that time, were you taken to the other place?—I was about an hour in the second hole.

5140. The last time you left the second hole, did you leave with Hayes?—I did.

5141. Was it dusk on the Saturday evening?—It was.

5142. Was it with your consent, or against it, that you were brought there?—Only that I was brought there I would go and vote.

5143. Who would you have voted for?—Captain Talbot.

5144. You were brought away from the mine-hole in the evening; who brought you away?—There was a great number of people. I do not know.

5145. Do you recollect passing through Kill on your way home?—I do.

5146. Were there any people in Kill?—There was.

5147. What time was that?—After nightfall.

5148. Did anything happen to you in passing there?—We went into a public-house, and we drank there, and when we ran out from the gate at the back, I was struck with a stick.

5149. And it was againt your consent that you were kept in that mine-hole?—It was.

Cross-examined by Mr. *O'Malley*.

5150. When did you arrive here in London?—On Monday.

5151. Last Monday?—Yes.

5152. Yesterday?—Yes.

5153. What time yesterday?—In the train about six o'clock.

5154. In the evening?—Yes.

5155. Who came with you?—Hayes was with me.

5156. Any one else?—There was.

5157. Who

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5157. Who?—I do not know who they was.
5158. Do you know any one else who was with you?—No, sure I do not.
5159. Do you know who you were to come to?—Yes.
5160. How did you know that?—I was told.
5161. Who told you?—Mr. Roberts was the man.
5162. Roberts, of where?—Dungarvan.
5163. Whose tenant are you?—A tenant of Mr. Malcolmson.
5164. A tenant of the same man as Hayes; did he tell you to go; is Roberts a brother of Mr. Malcolmson?—I believe he is; there is two sisters that have married two brothers.
5165. When did he tell you you were to come?—Saturday.
5166. Did he tell you that you were to come to prove that you would have voted if you had not been taken away?—Yes.
5167. These were the orders you got?—I got no orders but to come here to be tried here.
5168. Have you a lease?—No.
5169. You have no lease?—No.
5170. Are you a Roman Catholic?—I am.
5171. And a Liberal, too, I believe. If you were left to yourself, you were for De la Poer, were not you?—Oh, if I was left to myself.
5172. On your oath, if you had been left to yourself, would you not have voted for De la Poer?—I would vote for my landlord, as it is he that has given me a way of living.
5173. But if your landlord had given you no order?—No order?
5174. Yes?—If he did not, I would stop at home, and I would not mind him; if no one gave me no order, I would stop at home.
5175. When you went to O'Donoghue's, what were you doing?—I was playing cards for a spell.
5176. With regard to this mine into which you went, it opened out upon the strand; you walked in straight from the strand?—That was about the height of it from the strand (*describing a height of about four feet*).

[The Witness withdrew.

WILLIAM JORDAN, was called in; and, having been Sworn, is Examined by Mr. *Bourke*, as follows:

W. Jordan.

5177. ARE you a voter for the county of Waterford?—I am.
5178. Are you the bailiff to Mr. Malcolmson also?—I am.
5179. And a tenant of Mr. Malcolmson, too?—Yes.
5180. Do you recollect the Friday morning before the polling day for the county of Waterford?—I do well.
5181. Do you know a man named John Brazil, and John Cullinaine?—I do.
5182. Are they voters?—They are.
5183. Did they come to your house that morning?—They did.
5184. Do you know Mr. Barron?—I do; he is a clerk to Mr. Roberts.
5185. Did he bring a car to your house the evening before that?—He did.
5186. Did the car leave your house the next morning?—It did.
5187. Who went in it?—One Dennis Lynch.
5188. Was he a voter?—He was.
5189. Then I believe at about 11 on Friday morning you went up towards O'Donoghue's house?—I did, or about that hour.
5190. How far was your house from O'Donoghue's?—I should think about two or three Irish miles.
5191. On your way did you hear any shouting? I did.
5192. In what direction was that in?—They were making towards where I was making my way through the country, against the way that I was making my way from my own house, within two or three fields of my own house, and running towards me.
5193. And you were going to Dungarvan?—I was.
5194. Did you see who it was?—I did not see him at first, the land disguised him from me, because I was upon the lower land between him and me.
5195. They were going in the same direction as you were?—I was going westerly, and they were going north-westerly; coming to meet me.
5196. What did you do when you heard him?—I was lower in the land, and had no view of him, and I then made towards the bank, and we saw the men coming towards us in a very rapid state, and we then returned, the clerk and me, to another tenant's house.
5197. What was his name?—Harnie; he was in a very delicate state of health, and we made our way, they coming as fast as they could towards us, and we went over to Harnie's instead of to Mr. Barron.
5198. Instead of going forward?—Yes, or else we would be made prisoners.
5199. Was that the reason you altered your course?—It was to see where they could have been; to see what had become of them.
5200. Then you went to Harnie's?—I did.
5201. Was Mr. Barron there?—He was.
5202. Were there any other people there?—At the time I first was there?
5203. Yes?—No; no one but the family of the Harnie's.
5204. Afterwards?—The mob came into it.
5205. The same mob you had seen before?—Yes.
5206. What did they do; when the mob came to Harnie's what happened?—The first four of the mob I had seen ran behind Harnie's, and Mr. Barron before them. Mr. Barron called upon me then; I thought to hide or make my way back to my own house again. I saw the crowd coming, so Mr. Barron called to me, and I came towards Mr. Barron.
5207. Did the mob say anything to Mr. Barron?—Not in my presence; whatever happened before I do not know, but when I came to Barron he asked me did I know them, and I said I did, and he asked me their names. I gave him their names, so they stopped me out, and they did not stir; they had weapons in their hands; some sort of sticks in their hands.
5208. Had they weapons in their hands?—They had some sort of sticks in their hands.
5209. Did you leave Harnie's?—He asked me where was the car; I told him that the car was coming on its way; and he asked me then did, I place my own son in the car to show the car-

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driver the way; and I told him I did not, but put Dennis Lynch into the car.

5210. Did you go into the public road?—We did.

5211. Then, when you come to the public road, did the mob meet you again?—Yes.

5212. What happened?—There was a large number of them there again; I could not tell you how many.

5213. Fifty?—Sixty or 100, to the best of my belief.

5214. When you met them had they sticks?—Some of them had sticks.

5215. What did they do?—One of them laid his hands upon Mr. Barron's shoulder, and made a prisoner of him, and he told the others to do the same to me, so I jumped over the fence, over the road fence, and made my way home.

5216. Cullinane and Brazil, were they there?—They were not present at this time; they stopped at Harnie's after me, but they were made prisoners of.

5217. By that mob?—Yes, by that mob.

5218. Then you went home to your own house?—I did.

5219. What happened after that?—They followed me instantly, and surrounded my house for the day after; I could not stir out till late in the evening.

5220. By the *Committee.*] Did the mob surround your house from the time you returned home until the following day?—No, not until the following day, but all that day, Friday.

5221. How late in the evening did they stay there?—The days were short at this time, and I did not have a clock or a watch to tell the exact hour, but I should say it was a late hour when they left.

5222. Did a man called John Whelan come to your house that evening?—He did at night.

5223. Did you leave your house with him?—No.

5224. You did not?—No, I sent my son.

5225. The next morning did your son and you leave your house together?—We did about midnight that very night, the Friday night.

5226. Had the mob gone away then?—Of course they were.

5227. Where did you go to?—I went up towards O'Donoghue's, across the country. I was afeard to walk the public roads.

5228. Why did you go across the country?—I was afeard to walk the public roads.

5229. Then, when you got to O'Donoghue's house, was your son with you?—Yes.

5230. By the *Committee.*] Was Whelan with you?—No.

5231. Mr. *Burke.*] Did you see anything remarkable about the house?—First, when I went there, I stopped suddenly against the fence in the field where the house is built, and I sent my son round the house to see if the cars was there.

5232. And then, after your son came back, did you walk up to the house?—I did.

5233. Did you see anything remarkable about the house?—I rapped at the hall door, and when I was after rapping I saw that the windows were broken.

5234. What time of the day was this?—This was midnight.

5235. Did you see Mr. Barron there?—I saw Mr. Barron there, and as soon as I got in he told me to be off again.

5236. Did you see Whelan?—I did.

5237. Did you get into the house?—I did.

5238. On the Saturday morning did you go to Kill?—I did not go to Kill.

5239. How far is Kill from O'Donoghue's house?—By coming from the public road, I suppose it would be about three miles, but I did not travel through Kill.

5240. Did you hear any mob shouting that morning?—I did as I was coming home.

5241. Where were you?—I was coming home from O'Donoghue's a different way from what I went.

5242. At your own house?—At my own house, at an early hour too, before day even.

5243. Before day on Saturday morning?—Yes.

5244. You did not vote?—No.

5245. Why did you not vote?—Because I would vote if I were left to go to vote. I was stopped.

5246. For whom would you have voted, if you had not been stopped?—For Captain Talbot.

Cross-examined by Mr. *O'Malley.*

5247. How far is O'Donoghue's from your house?—I should say if I had taken the public road, it would have been about three miles.

5248. And how far is O'Donoghue's from Dungarvan?—That is a question I could not really tell; but I suppose it is about eight or nine miles; I cannot say positively.

5249. You did not try to go in the direction towards Dungarvan?—From O'Donoghue's?

5250. Yes?—No; because I was afeard of my life to venture it; how would I go on?

5251. Are you bailiff to Mr. Malcolmson?—I am.

5252. Did you come over with Hayes and the other man?—I did not come with any other but Mr. Barron.

5253. When did you come?—Late yesterday evening.

5254. Did you come in company with Hayes and the other man Tobin?—I did.

5255. And Tobin knows you very well?—He does.

5256. And knows that you are the bailiff?—He does.

5257. You came in charge of these two men?—I do not know that I did; I had no charge given me.

5258. Did you not pay for their fares?—No; they paid for themselves.

5259. Did you stop at the same hotel with them?—I did.

5260. And Tobin knows you very well?—He does.

5261. Because he told us that he did not know anybody who was with him?—I cannot say as to that.

Re-examined by Mr. *Bourke.*

5262. With regard to these men, Hayes and Tobin, did you tell them what they were to say at all?—Not I.

5263. By the *Committee.*] You state that you arrived at O'Donoghue's house at midnight?—I do.

5264. What state was the house in?—The window next to the hall door had been broken.

5265. Was the hall door open or shut?—It was shut.

5266. Could you open it, or did anyone come and

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and open it for you?—No, I could not open it. It was opened for me inside.

5267. Whom did you find inside when you got there?—I had seen Mr. Barron and John Whelan and two others, little boys.

5268. Did you see O'Donoghue there?—No, he was after leaving at the time.

5269. Did you see Dr. Hunt there?—No.

5270. Do you know him?—I would if I had seen him.

5271. How long did you stay at the house?—I do not think I was at the house five minutes when I was ordered out again.

5272. Who ordered you out again?—Mr. Barron.

5273. Where did you go?—I went back to the fence where there was trees growing for shelter, to know what I was best to do. My intention was to go to Dungarvan undoubtedly; and my son and me consulted together, and we agreed that if I faced that long journey on foot that night, I was in danger of my life, and that if foreign places was so dangerous, it was dangerous to go so far; and further, Whelan said that if cars were coming for us in the morning, what more did I want, because there was two more to come for me.

5274. Then you went home?—Yes, I did.

5275. But did the cars come for you in the morning?—They did not.

5276. When you found that the cars did not come, did you make any attempt to go to Dungarvan?—No, I did not.

5277. Did you take no further steps?—No.

5278. Are you a Roman Catholic?—Yes, I am.

5279. Have you ever voted at any other elections?—I have.

5280. What election did you vote at?—I voted in Carrick at the last election, I believe.

5281. What time was that?—At the time that Mr. Heby Hutchinson stood.

5282. Who did you vote for then?—I voted for Mr. Heby Hutchinson.

5283. And who else; anybody else?—No; it was a plump vote I had given then; there was three candidates going then.

5284. Whose tenant were you at that time?—Lord Stradbroke's tenant.

5285. In what barony were you at that time?—I cannot say. I believe the baronies took a change from that time. I believe the barony I was in then was the Upper Third, and now it is Decies; it is in Carrick I voted then, but it is in Dungarvan that I vote now; so I believe the baronies are changed since that time; I cannot say, though.

5286. Was Mr. Malcolmson your next landlord; did you go from Lord Stradbroke's estate to Mr. Malcolmson's; when Lord Stradbroke ceased to be your landlord, did you go over to Mr. Malcolmson?—Mr. Malcolmson purchased the property.

5287. From whom?—From Lord Stradbroke.

[The Witness withdrew.

Mr. MARTIN WALSH was called in; and, having been Sworn, was Examined by Mr. *Bourke*, as follows:

Mr. *M. Walsh.*

5288. WHERE do you live?—I live in Ballynahon, in the county of Kilkenny.

5289. And you are a farmer and car owner, I believe?—Yes.

5290. Your cars were engaged by Captain Talbot at the last election for the county of Waterford?—Yes.

5291. And on the 28th of December, did you go with four of your cars to Kilmacthomas?—We did not get to go into Kilmacthomas; we got to Newtown, very near.

5292. You went towards Kilmacthomas?—Yes, within about two miles.

5293. To a place called Newtown?—Yes.

5294. When you got to Newtown, will you tell the Committee what happened?—There was three men come out first, and they caught the first horse.

5295. Were there a number of people on the road?—Not at the first commencement.

5296. But afterwards there were?—They took three of my cars back.

5297. And two of the others?—Yes.

5298. What did they do with them?—They brought them back about a mile and a half of the same road that we had been down and they whistled, and they called, and there was a great crowd came out of the houses.

5299. Had they anything in their hands?—They had.

5300. What?—They had what we call billhooks, and some more of them had hatchets, and some more had pickaxes, and some had knives too.

5301. What did they do with the cars?—They cut the horses out of the harness, they cut the harness off the horses and took the cars up a little bye-road, and cut a shaft of each of the five cars, and broke the steps and seats with stones.

5302. How many cars had you altogether when you left to go to Kilmacthomas?—I believe there was some 28 or 29 cars; some of them got away from the crowd.

5303. Some of them got away, you say?—The first lot got away; there was about 22 or so got off, and five cars of ours, two belonged to another person, and three of mine; they were caught.

5304. Were they separated from the others?—Yes.

5305. Were all the cars together, or were the five cars separated from the others?—The five cars were separated from the others.

5306. Where were you going to with the cars; you say you were going to Kilmacthomas?—To Kilmacthomas.

5307. What were you going to do?—To bring freeholders from there to Dungarvan.

5308. For Captain Talbot?—Yes.

5309. What did you do when they broke your cars?—They told us to take away our horses and ourselves, and that they would not injure us, but to leave the cars there; and we had to leave them there until the election was over; that was the Saturday evening, and this was the Friday morning, early.

5310. By the *Committee.*] Where did the 20 cars, that you say escaped, go; did they return the way which they came?—They went ahead; they were the first cars; they were something before us; they went ahead into Kilmacthomas; that is a mile and a half further on, and they stopped there.

[The Witness withdrew.

DAVID SHANAHAN was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

D. Shanahan.
2 April 1867.

5311. WHERE do you live?—At Whitestone.

5312. Is that in the county of Waterford?—It is.

5313. Are you an elector for the county?—I am.

5314. About what neighbourhood is Whitestone?—Near Curraghmore.

5315. Do you recollect Friday the 28th of December, the day before the polling?—I do.

5316. Were you going to a funeral on Friday?—I was.

5317. Do you recollect passing a place called Mothel?—I do.

5318. Where is Mothel?—Mostly half ways between Whitestone and Carrick.

5319. Did you see any persons on the road with their faces blackened?—I did.

5320. How many men were there when you saw them at first?—About eight or nine.

5321. Do you recollect their following the car that you were on?—I do.

5322. How far did they follow the car?—About a quarter of a mile.

5323. Do you recollect any of that party taking hold of the reins of the horse—taking hold of the horse?—I do.

5324. Did you say anything to him?—I told him to let the horse go.

5325. Had that man his face blackened?—He had.

5326. Where did you go, and what did you do?—I got upon the fence, and I was pulled back again off it.

5327. You jumped off the car?—Yes.

5328. And got on the fence?—Yes.

5329. What happened then?—I was turned off it again.

5330. By whom?—A man with his face blackened.

5331. Were there any other persons in his company?—There were more of them there.

5332. About how many?—About five, I believe.

5333. Did they leave you there?—They brought me down to a house near Mothel, where there were more voters.

5334. How many voters were there there?—I cannot exactly say; I believe there were six.

5335. Whose house was that?—I do not know.

5336. Were there any additional persons there with their faces blackened?—There were.

5337. About how many?—About seven or eight.

5338. Were you then brought to the house of any person whom you do know?—We were brought to Nugent's house.

5339. Is that James Nugent, of Ballinacurragh?—It is.

5340. Whose tenant is he?—I do not know.

5341. You do not know whose estate Ballinacurragh is?—I do not know exactly whose tenant he is.

5342. Did you see any persons in addition, at the house of James Nugent?—I did.

5343. Did you see anything done to those persons?—No.

5344. Did you see the women doing anything?—I heard a woman——

5345. Never mind what you heard the woman say; how many persons were there assembled; I want the number that had taken you away; about how many?—I believe there were 14 or 15, or perhaps more.

5346. Had they all got their faces blackened?—Not all of them.

5347. Were you then brought from Nugent's house to any place?—I was.

5348. By the *Committee.*] Did you know any one whose face was not blackened?—No, I did not.

5349. Mr. *Harris.*] You did not know any of the persons then that were there?—No.

5350. Were you taken further away from Nugent's house?—I was.

5351. How were you taken?—In drags; we were taken in drags.

5352. Those are carts, are they not?—Yes.

5353. And did you see any name on those carts?—I read Nugent on one of the carts.

5354. And where were you taken to?—We went as far as Glynne Lodge, and we got away from the parties there.

5355. When you say, "we," do you mean yourself and the voters that you had originally met?—Yes.

5356. You say you got away from those persons?—We did.

5357. Did you again meet another party?—I did.

5358. Where was that?—It was at Coolnamuch.

5359. Is Coolnamuch in the neighbourhood of Carrick-on-Suir?—It is.

5360. Did they say anything to you?—They wanted to bring us back with them.

5361. How many were there?—Two, and two drivers.

5362. Did you hear anything done by them; did you hear them whistling, or anybody whistling?—I heard them whistling.

5363. When they whistled what was the result; what occurred?—There was a larger mob followed us then.

5364. Did the larger mob do anything to you?—They did not, but they returned us back again.

5365. To what?—They returned us back again to Gurteen-gate.

5366. Is that Mr. De La Poer's gate?—That is.

5367. Did they take you any further than Gurteen-gate?—They did.

5368. Where did they take you to?—They followed us as far as Two Mile-bridge.

5369. Is that the bridge which divides the county of Waterford from the county of Tipperary; a bridge across the River Suir?—It is.

5370. Were you brought across the river by them?—Not exactly.

5371. How many persons were with you when you were brought to the Two Mile-bridge?—About 12 or 14, as far as I can judge.

Mr. *Waters* objected to this examination, on the ground that it was not shown that those persons composed at all a riotous mob.

5372. Mr. *Harris* (to the *Witness*).] At the time that you were at Two Mile-bridge you say you were accompanied by 12 or 14 people; had any of those blackened faces?—I cannot say that

that their faces were blackened when we went to Two Mile-bridge; it was night.

5373. From the time that you were first taken by the people with blackened faces, were they the same party who accompanied you to Two Mile-bridge?—I could not say as to that.

5374. Were you let away from the party who had originally had you?—I was; I did not see any of the party that took me first.

5375. But I mean the party who overtook you near Coolnamuch; were they the same people that came to the Two Mile-bridge?—They were.

5376. And when they were at Coolnamuch they had their faces blackened?—Yes.

5377. And with regard to that larger mob that you say came when the two men whistled, were any of them disguised by blackened faces or otherwise?—At Coolnamuch?

5378. Yes?—There were some of them with their faces blackened.

5379. Do you know a man of the name of Michael Forran?—I do.

5380. Was he one of the party?—He was one of the voters.

5381. I mean of the party that was with you?—He was.

5382. Did you see anything done by these people to Michael Forran, while he was in your company?—I saw him get the thrust of a stick in the mouth.

5383. Did you see his face bleeding?—There was a little blood on his lip.

5384. You were brought to Two Mile-bridge as you have already told us; were you brought across the river?—Not at that time.

5385. How long was it before you were brought across the river?—I believe about between twelve and one o'clock we crossed the river.

5386. That was the midnight of Friday, and one o'clock on Saturday?—Yes, as well as I can recollect.

5387. Were you taken any further by these people?—I was.

5388. How far were you taken and to where?—I was taken beyond Thorny Bridge.

5389. Where is Thorny Bridge?—In the county of Tipperary.

5390. How far is that from Two Mile-bridge where you crossed into the county Tipperary?—I could not exactly say; six or seven miles.

5391. Is that in the neighbourhood of Slievenamon mountain?—It is.

5392. How long did you remain at Thorny Bridge?—Until about five o'clock on Saturday evening.

5393. Did the men who had brought you from the county of Waterford still remain with you at Thorney Bridge?—They did.

5394. On Saturday evening at five o'clock were you taken anywhere?—I was taken to Kilshcelan.

5395. Was that on your return?—Yes.

5396. Is there a bridge at Kilshcelan into the county of Waterford from the county Tipperary?—Yes.

5397. Is there a station at Kilshcelan?—Yes, there is a station at Kilshcelan.

5398. A station of the Waterford and Limerick Railway?—Yes.

5399. Did you then go by train to Carrick-on-Suir?—I did.

5400. Is that on your way home?—It is.

Mr. *Harris* stated that he proposed to ask the witness whether there was any order given to him on his arrival at Carrick-on-Suir for further conveyance.

Mr. *O'Malley* objected to the proposed question as not relating to the question of obstruction, but that it was sought to introduce a case of abduction without evidence of agency.

Mr. *Harris* was heard in support of the proposed question.

At the suggestion of the Committee, the question was withdrawn.

Cross-examined by Mr. *Waters*.

5401. How far is Kilshcelan from your house?—It is eight or nine miles; I cannot tell; as far as I can judge.

5402. Are you a tenant of Lord Waterford?—Yes.

5403. Have you a lease?—No.

5404. Where was the funeral going that you were accompanying on the Friday?—From Carrick to Cloneagh.

5405. Where is that?—In the parish of Mothel.

5406. Were you with the funeral when you first saw these eight or nine people that you saw?—No; the funeral did not arrive.

5407. Were you waiting for the funeral?—I was going to meet it along the road.

5408. And did you meet the funeral?—No.

5409. Those people did not strike you or hurt you?—No, indeed.

5410. And they did nothing, I understand, but catch the rein of the horse?—Yes.

5411. And who was driving the horse?—The driver.

5412. You were not the man that was driving?—No.

5413. Whose car was it?—My own.

5414. Was the driver your servant?—He was not.

5415. Whose servant was he?—He was a cousin of mine.

5416. Was he going with you to the funeral?—He was.

5417. And when these men spoke to you, you turned the horse about, did you?—They turned him about.

5418. Was it the horse and driver?—I cannot say now.

5419. You would not swear that it was not the driver who turned the horse round?—No.

5420. Did you tell the driver to turn him?—I do not recollect that I did.

5421. But you will not swear that you did not tell your cousin to turn the horse and go home?—I will not.

5422. But you might have done it; you will not swear you did not tell him?—When I jumped from the fence the car was turned.

5423. Did you jump off the car before the car was turned?—I did.

5424. And jumped on the fence?—I did.

5425. How many people were on the car with you; there was your cousin, the driver, and how many else?—No persons.

5426. Only the two of you?—Yes.

5427. Do you know James Nugent well?—I do.

5428. When you got to his house I suppose you did not leave it thirsty?—I took a glass of grog there.

D. Shanahan.
2 April 1867.

5429. From James Nugent?—Yes.

5430. You were all well and comfortable there?—We had no reason to complain.

5431. Did you try a second glass of grog?—No.

5432. Perhaps you had a bottle of porter?—No.

5433. Was the grog going round merrily and comfortably?—Every person that went in with me got a glass of grog.

5434. And they were all welcome to it, I suppose?—I suppose so.

5435. By the *Committee.*] Where do you vote?—In Carrick.

5436. Carrick Beg?—Carrick Beg.

[The Witness withdrew.

MICHAEL FORRAN was called in; and, having been Sworn, was Examined by Mr. *Bourke*, as follows:

M. Forran.

5437. WHERE do you live?—At Cloneagh.

5438. How far is that from Gurteen?—A long distance; I cannot tell how many miles it is from Gurteen.

5439. What town do you live near?—Cloneagh I lives at myself.

5440. Do you know a place called Mothel?—Yes, I do.

5441. And Cloneagh is not far from that, I believe?—It is not; something better than a mile.

5442. Are you a voter for the county of Waterford?—Yes.

5443. Who is your landlord?—The Marquis of Waterford.

5444. Do you remember Friday, the 28th of December last?—I do.

5445. I believe you were going to a funeral that day?—Yes.

5446. Whose funeral was it?—Michael Flynn's.

5447. Do you know a house belonging to a man named Shanahan?—I do.

5448. Is that house at Mothel?—It is.

5449. Did you come near that house as you passed along with the funeral?—I did.

5450. What did you see when you came near that house?—I went in there when I saw the men gather about the place.

5451. You saw the men gather about the place?—Yes.

5452. Did you see anything particular there?—I did not; but they went in and dragged me out of the house.

5453. They dragged you out of the house?—Yes.

5454. Who dragged you out of the house?—I do not know.

5455. Had the people anything on their faces that dragged you out of the house?—They were blackened.

5456. When they dragged you out of the house, what did they do with you?—They brought me up to the Cross.

5457. What did they do with you then?—And then I got away from them some way, until I went down to Mr. Ridgway's, and then they caught me again.

5458. Did they follow you?—They did.

5459. What did they say to you?—I could not say whether they were the same men.

5460. Had they anything on their faces?—I do not know how many had blackened faces.

5461. What did they do with you then, when you got to Mr. Ridgway's?—They brought me up to Mothel again, and down to Paddy Ryan's house.

5462. How far is that from Mr. Ridgway's?—It would be only a few perches.

5463. Did you see Shanahan there when you got to Paddy Ryan's house?—Yes.

5464. Was that the same man that was here a moment ago?—Yes.

5465. When you got to Ryan's house did you see a man called Cullinane?—Yes.

5466. Did you see a man called Sheehan?—I did.

5467. Were they voters?—Yes, they were.

5468. Were there any others?—Five entirely.

5469. Had those people with blackened faces anything in their hands?—They had sticks.

5470. Anything else?—I did not see anything else with them but sticks.

5471. Did you then leave Paddy Ryan's house?—I did.

5472. Did they take you anywhere?—They took me to Ballymacurragh.

5473. Whose house is that?—Nugent's.

5474. Did the people with blackened faces come with you there?—They did.

5475. Was Shanahan with your party?—He was.

5476. And the others that you have spoken of, too?—Yes.

5477. Whose tenant was Nugent?—That I am not sure whose tenant is he.

5478. How long did you stay with Nugent?—A very short way we stopped with him; we were not three minutes with him; it is very short we were in it at all.

5479. What did they do with you after you came from Nugent's?—They put us in two cars.

5480. Do you mean drays?—Yes.

5481. And where did they take you to then?—Down to Glynn-road.

5482. Mr. *O'Malley.*] How many went with you on the car?—There were more places before we went to Ballynacurragh, which we had taken; there was another gang, three more.

5483. Mr. *Bourke.*] Three more voters, were they?—Yes.

5484. Did the people with blackened faces go on with you still, after you left Nugent?—Yes, they did.

5485. Where did you go to then?—Go from them.

5486. Where did you go to after you left Nugent's; did you go along the road?—Along the road we went.

5487. Then those men with blackened faces brought you along the road, and then they left you for a short time, and then came up to you again, did they not?—Yes.

5488. Did they take you again after that, behind the mountains of Slievenamon?—They did.

5489. And was Shanahan with you all this time?—He was.

5490. And then they brought you back to Kilshcelan?—Yes.

5491. And there they discharged you?—Yes.

5492. All

5492. All this time were you struck at all; were you hit?—Yes.

5493. Where was that?—Near Coolnamuck I got a little prod of a stick in the jaw there.

5494 Was that by a man with a blackened face?—No, he was not a blackened face at all.

5495. Was he with the men with the blackened faces?—He was. *M. Forran.*

5496. By the *Committee.*] Were you struck with a stick or a stone?—A stick. 2 April 1867.

[The Witness withdrew.

TIMOTHY HENIBURY, was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

5497. ARE you a workman?—I am.

5498. Do you recollect working on the road?—I do. *T. Henibury.*

5499. Are you an elector for the county of Waterford?—No.

5500. Do you recollect working on the road the day before the election?—I was.

5501. Where?—At a place called Churchtown-road.

5502. Where is that?—Near Carrick.

5503. What were you doing, working on the road?—Gathering manure.

5504. Do you recollect, about two o'clock on that day, seeing some people passing along the road?—I do.

5505. Did you see Michael Foran and David Shenahan amongst those persons?—Yes.

5506. When you saw them first, were they by themselves or were they accompanied by any persons?—There was no one with them when I saw them first.

5507. Did you see them again?—Yes.

5508. How long afterwards did you see them?—Something more than an hour, I think.

5509. The second time you saw them passing along, did they come back from the direction in which they had been going?—They did.

5510. Had they been going towards Carrick?—They had.

5511. When you saw them coming back from Carrick, had they any persons with them?—Yes.

5512. About how many persons were there with them?—I do not know exactly, I saw some people.

5513. Tell me about how many, cannot you form an idea?—What I know, I will name them.

5514. About how many were there, altogether, accompanying Shenahan?—I could not say.

5515. About how many?—I believe there were up to 15.

5516. Had they any cars with them, in their party?—They had.

5517. What cars were there there?—I do not know what cars there were there.

5518. Did you see any person amongst the men that were accompanying David Shenahan and Forran, whom you knew?—I did not see anyone with them; there were other cars besides them.

5519. How far were they from them?—Not far.

5520. How far?—The cars were one after another.

5521. Were they in the same party?—I do not know what party.

5522. Were the cars following one another close?—Yes.

5523. Did you see any person you knew on any of the cars, besides Shenahan and Foran?—I did not.

5524. You did not know any of those persons?—No.

5525. Did you see any men on horseback that you knew?—No, I saw men that I knew on common cars.

5526. Who were those men?—

Mr. *O'Malley* objected to the question.

Mr. *Harris* was heard in answer to the objection.

Mr. *O'Malley* was heard in reply.

The *Chairman* said the Committee were of opinion that the learned Counsel could not ask for the names.

[The Witness withdrew.

JAMES CULLINANE, was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

5527. Do you live at Bishopstown, in the county of Waterford?—I do.

5528. Are you a voter for the county of Waterford?—Yes.

5529. Do you remember the 28th December, being at Motehill?—Yes.

5530. How far is Motehill from your house?—About half a mile.

5531. What time was it when you were there?—About eleven o'clock.

5532. Do you recollect seeing persons with their faces blackened there?—I do.

5533. How many of them were there?—I could not tell you, I computed them to be over 20.

5534. Had they anything in their hands?—I could not tell that exactly, they had sticks or something.

5535. Did they do anything to you?—They did not, but they pressed me up to go with them.

5536. Did you go anywhere?—I did.

5537. Where to?—To a place called Ballymacarbry; that was the first place I stopped.

5538. Do you recollect a car being brought there?—There was. *J. Cullinane.*

5539. Were you on that car?—I was.

5540. Who put you on the car?—I do not know.

5541. Was David Shenahan with you?—He was.

5542. Was Foran there?—Yes, in the same car that I was in.

5543. Do you remember Morris Coleman being there?—Yes.

5544. Did you see Edward Cantwell there?—Yes.

5545. Do you recollect seeing James Shean?—Thomas Shean.

5546. And did you see Edward Power there?—Yes.

5547. And Michael Ryan?—Yes.

5548. Had the men that were about you when you were put on the cars their faces blackened, or had any of them?—Some of them had.

5549. Were you brought to any place?—I was.

5550. Where

J. Cullinane.
2 April 1867.

5550. Where was that you were brought to? I was brought as far as the Cross of Glyn.

5551. Did you get away from them?—I did.

5552. How did you get away; describe to the Committee how you got away from them?—I said I would not go any further with them; I said if they attempted to bring us any further we would fight with them before we would go with them any longer; if they hurt us we would hurt them.

5553. Had the mob decreased in number at this time?—Yes; I did not consider there were more than eight or nine of ourselves, and about 12 of them; we said we would make a fight before we would go any further.

5554. Did you get away from them?—I did.

5555. Where did you go to?—I went half-way from that to Carrick, and then I turned in, passed the main wall of Coolnamuck.

5556. Did you get to Coolnamuck wood?—I came through the domain, and up till I came out on the road to the gate nearest to Carrick, and then I passed up to the wood, and made the best of my way home.

5557. Did you hear anything before you left those places?—I heard four or five whistles.

5558. And you passed out then through Coolnamuck?—Yes, and I made my way home to my own house.

5559. Did you get home that night?—Yes, I was at home about seven, and I went from that into Curramore, and I was there about one o'clock.

5560. Did you vote at that election?—Yes.

5561. Who for?—Captain Talbot.

Cross-examined by Mr. *O'Malley.*

5562. Was that at Curramore House, where Lord Waterford's house is?—Yes.

5563. What time did you get to Lord Waterford's house?—Between twelve and one.

5564. I mean the Marquis of Waterford?—Yes.

5565. Was it twelve at night?—Yes, between twelve and one.

5566. How long did you stay there?—Till the nextmorning.

5567. What time the next morning?—Daybreak.

5568. What time?—I could not tell that; it was not day.

5569. What were you doing all night?—I was eating and drinking, and spending the night like all the voters were.

5570. You were spending the night very merrily, no doubt?—Yes.

5571. You had plenty to eat and drink?—Yes.

5572. And paying nothing?—Paying nothing.

5573. And at the Marquis's house?—It is his holding; it was the farm yard, I believe.

5574. How many voters were there?—I do not know.

5575. How many was it that the Marquis entertained so hospitably; was it 200 or 300?—I could not tell.

5576. You can tell me about?—No; there were a great number of them there.

5577. Were there 100?—Yes.

5578. Two hundred?—I will not say.

5579. There was 100?—Yes.

5580. And after eating and drinking all night, you were escorted into the poll the next day by the military and the police?—Yes.

5581. Who had the care of you there that night?—I could not tell you that.

5582. I dare say there were many?—There were many people there, up and down; I could not give any number.

5583. Did you not sometimes, when you were drinking whisky, have a bumper to the health of Mr. De La Poer?—I did not drink whisky.

5584. Or beer?—I had one tumbler of beer.

5585. Did you not hear any of those persons drinking beer to the health of Mr. De La Poer, and success to him?—No, nor the health of anyone else.

5586. Have you a lease?—No, I have not.

5587. When you were going away to Curramore you passed close by Carrick?—Yes.

5588. How close to it?—I made my way from Coolnamuck till I came out on my own market road, and within one mile and a few perches of Carrick.

5589. You preferred going on to Curramore for the night?—I went home to my own house.

5590. You told the people you would not go any further with them?—Yes.

5591. And they let you go?—They did; I did not expect they would, but they made no defence after that; they did not attempt to keep us; they let us go away.

5592. You were let go by the mob?—There was not any mob with me when I was let go; but two men that met us on the road, and they did not try to keep us.

5593. Who else went away with you when you went away?—All that were taken with me first went with me to that spot.

5594. And they were all let go?—Yes.

5595. They were allowed to go where they liked?—We went without any interruption till that time, and when I went past the wall I do not know what happened to the rest I left.

5596. As far as you saw, you were all at liberty to go away?—Yes, as far as I was along with them.

5597. By the *Committee.*] Was Shenahan with you?—Yes, up to that place.

5598. Was Foran with you?—He was.

5599. Foran and Shenahan were both with you?—Yes.

5600. When you left the party, they went on with them, did they; they were going with the nine men?—Yes, there were eight of us altogether.

5601. Did any others leave but you?—No.

5602. And you left without any attempt on their part to keep you?—I did.

5603. Where did you poll the following day?—In Carrick.

[The Witness withdrew.

PATRICK FORAN, was called in; and, having been Sworn, was Examined by Mr. *Harris,* as follows:

P. Foran.

5604. HAVE you got any horses?—Yes.

5605. Are you employed in boat hauling on the river?—Yes, I am.

5606. Were you employed during the election with one of those horses drawing a jaunting car?—Yes.

5607. Do

P. Foran.

2 April 1867.

5607. Do you recollect the day before the polling, having gone out with your car into the county of Waterford?—Yes.

5608. Through Carrickbeg, I suppose?—Yes.

5609. Did you drive a man along the road from Carrickbeg in the direction of Coolnamuck?—Yes.

5610. Do you recollect as you were driving along the road meeting eight men coming towards you?—I do.

5611. Do you know David Shenahan?—I do.

5612. Was he one of them?—He was one of them.

5613. Did any of them get on your car?—Not at that time.

5614. Did they shortly afterwards get on your car?—Yes.

5615. Did you drive them away?—I did afterwards.

5616. And as you were driving away, did you get any number of persons; did you get men with flannel jackets?—Yes.

5617. How far was that where you had taken up Shenahan and the others?—About two miles.

5618. Those men that had flannel jackets, had they their faces disguised in any way?—They had not their faces blackened, only somewhat disfigured; any person could know them that had seen them before.

5619. They had a colouring of some sort?—A smith's face would be a great deal blacker.

5620. Was there any one of those men on horseback?—Yes.

5621. Did they do anything with your car?—With my car?

5622. Yes?—No.

5623. Did any of them get on your car?—There was no person got up on my car only Mr. Shenahan and his party.

5624. Did any of the flannel jacket men get on your car?—Yes, they did, on the well of my car.

5625. How many cars were there; was there any other car with you at that time?—There were common cars.

5626. Was there any other jaunting car?—Only one side car and my car.

5627. That is two side cars, and how many common cars?—I cannot say exactly how many side cars.

5628. When you first met those eight men, what direction were they going in?—In the direction of Carrick.

5629. And you said about two and a half miles from Carrick?—Yes, they were on the direction coming from the west.

5630. That is from the direction of Coolnamuck?—Yes.

5631. As to those flannel jacket men, some of them jumped into the well of your car?—Yes.

5632. What did they do?—After going up on my car do you mean.

5633. Yes?—I saw them doing nothing at all out of the way.

5634. Did you drive off with them?—Yes.

5635. Where to?—Straight to Kilshelan.

5636. Were there any other men with you with flannel jackets besides those who got on the well of your car?—I did not notice any particularly; there were men with blue coats.

5637. Had they their faces disguised in any way?—No.

5638. Were they in company with the men that had the flannel jackets?—Yes.

5639. When you met them?—Yes.

5640. And you went into Kilshelan?—I went with them to Kilshelan Bridge.

5641. Did you cross the bridge?—No.

5642. Were you stopped there?—Yes; on the side of the bridge before the water part of the bridge, there is the river underneath, and I did not reach over the river at all.

5643. Who stopped you; you do not know the man, do you?—No; I was stopped at the county of Waterford side.

5644. Did you go back?—I was stopped in the dark.

5645. Was it dark?—Yes.

5646. Was it a man who stopped you, or were there more than one?—Only one man stopped us.

5647. Where did you drive to?—I drove to the county of Waterford side again.

5648. Whose place did you drive to?—I could not exactly tell, but I heard——

5649. Never mind what you heard?—I do not know the house at all.

5650. Were there any persons among those who originally met you with the flannel jackets who were in your company when you went to that house?—I cannot exactly say.

5651. Had they accompanied you up to the time you got to Kilshelan?—They had up to Kilshelan.

5652. But you cannot say whether they accompanied you to that house?—I cannot.

5653. Did you afterwards cross Kilshelan Bridge?—After delivering them?

5654. Yes?—Yes, I did.

5655. Did you leave the men there?—Yes, up to near the bridge; I do not know the name of the house.

5656. Did you take them up again or leave them there together?—I left them there; they went in.

5657. Did they go into a yard?—Yes.

5658. Were there any people with them?—Yes.

5659. Were there some of the people who originally met them?—Yes.

5660. With the flannel jackets that you described?—Yes.

5661. Did you afterwards see David Shenahan and his party that night?—No.

5662. Did you see the men wearing flannel jackets afterwards?—After the delivering the men?

5663. Yes?—No.

5664. Did you drive any of them into Carrick?—No.

5665. Did you drive any of them to Kilshelan?—Yes; some of them came there.

5666. Did they get on your car?—You must excuse me, I cannot exactly say now whether they were blue or flannel jackets.

5667. Were they some of the party that you originally met, the eight men?—I cannot exactly say.

[The Witness withdrew.

DAVID DELAHUNTY, was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

D. Delahunty. — 2 April 1867.

5668. WHERE do you live?—At Kilowen.

5669. By the *Committee.*] Where is that?—Near Waterford.

5670. Mr. *Harris.*] Whose tenant are you?—Mr. Medlacott's.

5671. Do you recollect the Friday morning, at an early hour, hearing anything occur at your door?—Yes.

5672. About what time was that on Friday morning?—Between two and three o'clock.

5673. What did you hear?—I heard a knock at the door.

Mr. *O'Malley* objected to this evidence.

Mr. *Harris* said he would not press it.

[The Witness withdrew.

MATTHEW PURCELL, was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

M. Purcell.

5674. DO you live in the county of Waterford?—I do.

5675. Whereabouts?—In Glyn.

5676. Do you recollect having been at Carrick-on-Suir on Saturday the 15th of December?—I do.

5677. Was Mr. De La Poer there on that day?—He was.

5678. Did Mr. De La Poer make a public entry into the town on that day?—He did.

5679. Did you hear any speech made; were you present when the speeches were made?—No; I did not remain to hear the speeches.

5680. Do you know what an effigy is?—Yes, I do.

5681. Did you hear a bellman going about the town on that day?—I did.

5682. Did you see what purported to be an effigy of anybody on a pole?—I did.

5683. What did that purport to be an effigy of?—Well, it was dressed in the garb of a sailor or a marine.

5684. Is Captain Talbot a naval gentleman?—It was supposed to be an effigy of Captain Talbot.

5685. Do you recollect what day it was; was it the Saturday or the Saturday week before the election?—The Saturday week before the election, on the 15th of December.

5686. Was it on the Saturday week or the Saturday before the election that you are speaking of?—On the Saturday week before the election.

5687. By the *Committee.*] That was the same day that Mr. De La Poer entered Carrick?—Yes.

5688. Mr. *Harris.*] Did you hear Mr. De La Poer speak in the course of that day?—I saw him speak from the window, but from the excitement, I could not hear what he said.

[The Witness withdrew.

WILLIAM CRAYDON, was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

W. Craydon.

5689. WHAT is your occupation?—A Bill-poster.

5690. Where?—In Waterford.

5691. Do you recollect at any time posting any bills in Waterford before the election?—I do.

5692. Do you recollect a bill about black sheep?—I do.

5693. Did you post that bill?—I did.

5694. Do you recollect the words of the bill?—A portion of them.

5695. Did you post all that you got to post?—I did.

5696. You did not keep any of them?—No.

5697. Will you tell the Committee as near as you can what were the words of that bill?—

5698. By Mr. *O'Malley.*] Can you read?—Yes.

5699. Mr. *Harris.*] To the best of your recollection, tell the Committee as near as you can what were the words of that bill?—I think they were headed, "County Election. Black sheep. Any person voting against his conscience and country, his name will be publicly placarded through the city and county."

5700. About how many copies of that did you post in the city of Waterford?—One hundred and fifty, from that to 200 between the city and the suburbs.

5701. Were you paid for posting those?—I was.

5702. Who paid you?—Mr. Redman.

5703. Who is Mr. Redman?—He is the proprietor of the "Waterford News."

5704-5. Is that a newspaper in Waterford?—Yes; he keeps a printing-office.

5706. Was it he that printed those bills?—I believe it was.

5707. Did he give them to you?—His foreman gave them to me.

5708. For the purpose of getting them posted?—I suppose so.

5709. By the *Committee.*] Did you see Mr. Redman's name on the bills?—No.

5710. Mr. *Harris.*] Who directed you; was there anybody sent you to Mr. Redman to get those bills?—A little boy was sent out from the office.

5711. Do you know a Mr. John Wall, an attorney in Waterford?—Yes.

5712. Did he come to you about the bills?—No.

5713. You were employed by Mr. Redman, and you posted the bills?—Yes.

5714. And the contents of them were what you have stated?—Yes.

5715. Was Mr. De La Poer's name on those bills?

Mr. *O'Malley* objected to the question.

5716. Mr. *Harris.*] Was there any name on them?—To the best of my opinion there was not.

5717. By the *Committee.*] Are you a voter?—No, I am not.

[The Witness withdrew.

JOHN

JOHN BRYAN was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

J. Bryan.
2 April 1867.

5718. WHERE do you live?—In Ballymaclash.
5719. Is that near Clashmore?—Yes.
5720. Whose tenant are you?—Lord Hastings'.
5721. That is Lord Huntingdon's son?—Yes.
5722. Do you remember the day before the last election for the county of Waterford?—I do.
5723. Do your remember the house of Mr. Roberts, at Coolnagower?—Yes.
5724. Were you at Mr. Roberts' house on the Thursday night?—Yes.
5725. Do you recollect how long you remained at Coolnagower on the Friday?—About 11 that night.
5726. Was that at night?—Yes.
5727. Did you then proceed from Coolnagower in the direction of Dungarvan?—Yes.
5728. Were you going to Dungarvan for the purpose of voting?—Yes.
5729. For whom were you going to vote?—For Captain Talbot.
5730. Was there anybody with you when you left Coolnagower for the purpose of proceeding to Dungarvan?—Two, or more.
5731. Were they voters?—Yes.
5732. Do you know the poor-house in Dungarvan, the Union poor-house?—Yes.
5733. Had you to pass that poor-house on the way from Coolnagower to Dungarvan?—Yes.
5734. After passing the poor-house, did you get to the town?—Yes.
5735. By what way did you pass into the town; was it through a place called Church-lane?—Yes.
5376. Do you remember having got to the market-house?—Yes.
5737. Is the market-house at the end of the main street?—At the end of Church-lane.
5738. It is between Church-lane and the main street?—Yes, the lowest down in the main street.
5739. When you got to the market-house, do you recollect meeting any people?—I did.
5740. How many people did you meet?—I cannot say.
5741. Was there a large crowd?—There was.
5742. Did they do anything to you?—They took me by the arms; there was a man on both sides of me; they got hold of me.
5743. Had they anything in their hands?—Some of them had small little sticks.
5744. Did they ask you any questions?—They asked me, had I voted, I said I had; they asked me who was my landlord.
5745. Were those people very quiet; were they saying any thing?—Not much.
5746. What were they saying?—Not anything, much.
5747. How many were there there; about how many?—I could not tell.
5748. Were they shouting at all?—They were not.
5749. Did any of them catch hold of you?—Yes, two of them; they were on both sides of me; they got hold of my arms.
5750. Was it against your will that they got hold of you?—It was in spite of my will.
5751. What o'clock was that?—It was after 11 o'clock.

Mr. *O'Malley* objected to the evidence.

Mr. *Harris* was heard in answer to the objection.

Mr. *O'Malley* was heard in reply.

The Chairman said the Committee were of opinion that the examination might proceed.

5752. Mr. *Harris.*] You say that there was one on one side of you, and another on the other?—Yes.
5753. Did those people ask you who was your landlord?—Yes.
5754. Did they ask you anything?—They did.
5755. What did they ask you?—They asked me who was my landlord, and I told them it was Lord Stuart, but it was false; I told them that, because I was in dread of them.
5756. That having occurred, did they take you anywhere?—They took me to Miss O'Neill's.
5757. Did you go to Miss O'Neill's with them?—Yes.
5758. Was there a man of the name of Heeley with you?—There was.

Mr. *O'Malley* objected to the question.

5759. Mr. *Harris.*] Was there any companion with you; any person that you knew, coming into Dungarvan that night?—Yes.
5760. What was his name?—There was Heeley, and there was Keiley; Keiley was before me, and Heeley was behind me.
5761. Was Heeley brought with you to Miss O'Neill's?—He was.
5762. And you went to Miss O'Neill's house with them?—Yes.
5763. How long did you remain at Miss O'Neill's?—I cannot say.
5764. What was done with you when you got to Miss O'Neill's?—
5765. By Mr. *O'Malley.*] Did the mob go into Miss O'Neill's?—Some of them went.
5766. How many?—I cannot say.
5767. Mr. *Harris.*] Was anything done to you?—I was up-stairs there; there was nothing at all.
5768. By the *Committee.*] Why did you say you were Lord Decie's tenant?—I was in dread of them.
5769. Did you vote the next day?—I did not, for I was taken away out of the house, and sent a mile and a half off.

[The Witness withdrew.

EDWARD KENNEDY was called in; and, having been Sworn, was Examined by Mr. *Stephens*, as follows:

E. Kennedy.

5770. WHERE do you live?—Dungarvan.
5771. Do you remember the last election for the county of Waterford?—I do.
5772. Were you in Dungarvan during that election?—I was.
5773. Were you there before the election?—I was.
5774. During the whole time?—During the whole time.
5775. Do you know Mr. James Barry?—Yes.
5776. Do you know Mr. Jeremiah Hodney?—I do.
5777. Do you know Lawrence Dennehy?—Yes.

E. Kennedy.
2 April 1867.

5778. Did you see them in Dungarvan during that election?—I did.

5779. Did you see them in or near the polling-booth at that election?—Yes, they were presiding at different polling-places.

5780. Who was presiding?—They were acting as agents, recording the votes for Mr. De La Poer's party.

5781. That is to say, Mr. Barry, Mr. Dennehey, and Mr. Hodney?—Yes.

5782. Was that on the polling-day?—That was on the polling-day.

5783. Do you know Mr. Richard Hudson?—I do, I know him.

5784. Did you see him in Dungarvan, at the election?—Yes, he was the conducting agent for Mr. De La Poer in Dungarvan; Mr. Hudson himself told me he was conducting the election for Mr. De La Poer.

Mr. *O'Malley* objected to this evidence.

5785. Mr. *Bourke.*] Do you know of your own knowledge that Mr. Hudson was the conducting agent for Mr. De La Poer?

Mr. *O'Malley* again objected to the question.

5786. Mr. *Stephens.*] Where did you see Mr. Hudson?—In the court-house, and I saw him coming out of Mr. De La Poer's committee-rooms, and I saw him going down with voters.

5787. Where were they?—In the town of Dungarvan, in a street called Blackpool, at O'Neill's Hibernian Hotel.

5788. Have you said where those committee-rooms were?—At the Hibernian Hotel.

5789. What is the name of the person who keeps it?—O'Neill is the proprietor.

5790. You say you saw Mr. Hudson come out of O'Neill's Hotel?—Yes.

5791. And go in?—And go in; I met him in the house, in the committee-room, some time before the election; I met him in the place.

5792. You yourself were in Mr. De La Poer's committee-rooms?—This was in the evening, there was no business being done; this was at the hotel, and Mr. Hudson was there, and he told me he was sleeping in the house, so as to be near his business.

5793. What did you see Mr. Hudson do during the election?—I saw him going down to the court-house with voters, and going into the court-house with them.

5794. Did you see him take them to the poll?—No; I saw him bring them to the court-house, and hand them over to the agent there.

5795. You saw him bring voters to the court-house?—Yes.

5796. And hand them over to the agent there?—And hand them over to the agent there.

5797. By the *Committee.*] Whose agent?—Mr. De La Poer's agent.

5798. Mr. *Bourke.*] Can you give the names of the persons to whom you saw him hand over voters, or any of them?—He gave them to Mr. James Barry at one time.

5799. And anybody else?—I could not swear to anybody else; I saw him going down with voters.

5800. Do you remember the occasion of Mr. De La Poer's first entry into Dungarvan?—I do.

5801. When was that?—On the 21st of November.

5802. Was it any particular day?—It was a fair day in Dungarvan.

5803. Were there a great many people in the town?—There were a great number of people in the town.

5804. How did Mr. De La Poer enter; was he on foot?—He was in a carriage with four horses.

5805. Was there anybody with him that you saw?—Mr. Sherlock was with him.

5806. Who is Mr. Sherlock?—He is a magistrate residing in the neighbourhood of Dungarvan, and there was Mr. Pearce Marcus Baron and another Mr. Baron.

5807. Who was Mr. Pearce Marcus Baron?—A magistrate residing close to the city of Waterford.

5808. Who is the other?—Mr. De La Poer's agent; he is the secretary to the Grand Jury of the county of Waterford.

5809. Was there any other person accompanying Mr. De La Poer on that occasion besides the gentlemen you have named?—There was a great crowd of people.

5810. Tell us any other persons whom you recognised?—Amongst the crowd I saw Mr. Thomas Slattery, the solicitor, and Mr. Robert Nutbourne, also a solicitor; and I saw also several of the Dungarvan shopkeepers, a great number of them, and a great number of country people, it being a fair day.

5811. Do you know Richard O'Donnell?—I saw him once, he was pointed out to me once.

5812. Was Mr. Slattery or not in company with Mr. De La Poer?—Yes, he was, decidedly.

5813. By the *Committee.*] Was he more in his company than any other poeple who were in the crowd?—Yes, he was standing at Mr. De La Poer's shoulder at the window, when he made his speech, and he spoke himself immediately after Mr. De La Poer.

5814. Where was that?—At the Devonshire Arms Hotel.

5815. Mr. *Bourke.*] Did you see where his friends went?—They went to Dr. Halley's house the parish priest's.

5816. Did you see any person go in with them?—The gentlemen that were in the carriage with Mr. De La Poer, and Mr. Slattery went in; several went in, friends of Dr. Halley's.

5817. From Dr. Halley's house did they go anywhere else?—In a few minutes they went to the Devonshire Arms Hotel, a couple of doors from Dr. Halley's houses.

5818. Did you see anything take place at the Devonshire Arms Hotel?—I saw Dr. Halley introduce Mr. De La Poer to the people, and then Dr. Halley made a long speech.

5819. Where was Dr. Halley, and where were the people?—The people were in the street, and Mr. De La Poer and Dr. Halley and a lot of gentlemen were standing at an open window up stairs; they had the window sash taken out, and the place was all open.

5820. You say that Dr. Halley addressed the crowd?—Yes.

5821. Did you hear anything that Dr. Halley said?—He was talking a great deal about his ability in conducting elections, and what he did at the election of 1826; he had with the independent men of Durgarvan beat Lord George Beresford in 1826, and he hoped to do the same thing at this election.

5822. He spoke of the Beresfords in 1826?—Yes.

5823. Did he say anything about the Beresfo

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family of the present day?—He abused everyone of the name of Beresford.

5824. What did he say about them; do you recollect what it was he said?—He said they were great tyrants, and that they had ruined the country; they were terrible tyrants, and were always a bad lot.

5825. Did he make any allusion to the year 1826?—Yes.

5826. What did he say; did he make any specific allusion to the year 1826?—

Mr. *O'Malley* objected to the question.

5827. Mr. *Bourke.*] Did Mr. De La Poer himself do anything on that occasion?—He addressed the electors in a very short speech, and said very few words.

5828. Did you hear what Mr. De La Poer said?—Yes.

5829. Can you repeat the substance of what he said, or tell us shortly what it was?—He returned thanks to Dr. Halley for the complimentary manner in which he had brought him before the people, and he said that if they did him the honour of electing him he would be a supporter of tenant right, and a great many other things to that effect. He spoke but a very short time.

5830. Did you hear any other persons speak on that occasion?—I did.

5831. Who else did you hear?—I heard Mr. Hackett, a barrister, speak.

5832. Did you hear anything that was said by Mr. Hackett?—Yes, he spoke in favour of Mr. De La Poer, and in abuse of his opponent, Captain Talbot, being one of the Beresford family.

5833. Did he refer also to the Beresford family?—Yes.

5834. Can you tell us anything specific that he said?—He said, if the Beresfords were in power, we should have pitch caps and triangles.

5835. You heard the expressions that he used?—Mr. Hackett made use of those words.

5836. Did he say anything with regard to what the electors should do?—He said they should go to the poll, that they should return Mr. De La Poer for the county of Waterford, the same as the independent men of Tipperary returned Captain White.

5837. Did he say anything to the electors in connection with the Beresford family?—Merely telling them to vote against them by all means, and to vote for their opponents.

5838. You have spoken of the public entry on the 21st of November; were you there on any subsequent occasion when Mr. De La Poer came in?—Yes, when he came on the 3rd of December.

5839. Did he come in in an equally public manner?—Yes, he came in in a more public manner that day because they had been preparing for him for two or three days.

5840. When you say in a more public manner, in what way do you mean?—There was a great brass band playing in front of him that day when he came in.

5841. Was that a Dungarvan band?—It was a band that had been brought down from Lismore.

5842. Did you on either of those occasions see anything at all remarkable in connection with vehicles?—They were decked out, and covered with laurels.

5843. By whom was Mr. De La Poer accompanied on that occasion?—He was accompanied by Mr. James Galway and Father Flynn.

5844. When you say he was accompanied by them, what do you mean?—They were in the carriage with him.

5845. On this occasion where was the first place that they went to?—They went to the house of a man named John Mooney.

5846. Who was John Mooney?—He kept a public-house.

5847. Was there any similar speech making at that place?—There was; immediately after they went to Mooney's house, Mr. De La Poer and Mr. Galway left, and went down to Dr. Halley's house, and brought him along with them

5848. You saw them returning with him?—Yes.

5849. Who spoke on that occasion?—Dr. Halley was the first to speak; he introduced Mr. De La Poer in the same manner. Mr. De La Poer spoke after him.

5850. Do you mean that he said similar things to what you have described?—He said very nearly the same thing that he said in his first speech.

5851. Were the names of the Beresford family again introduced?—They were.

5852. Was Dr. Halley the only Roman Catholic clergyman who was present on that occasion?—Oh! no, there were a great number of Catholic clergymen in the room on that day.

5853. Did you know any of them who were there?—Yes, I knew several of them.

5854. Could you tell us the names of any of them?—

Mr. *O'Malley* objected to the question.

5854*. Mr. *Bourke.*] You say you saw the Rev. Patrick Flynn there?—I do not know his Christian name, I know his name is Flynn.

5855. Did you see the Rev. Mr. Flynn there?—I did.

5856. By the *Committee.*] What is his Christian name?—I do not know.

5857. Mr. *Bourke.*] Do you know where his parish is?—He lives in Capperquin; he is the curate there.

5858. On that occasion did Mr. De La Poer make any address to the electors?—He said a few words, the same as on the first occasion.

5859. What was the substance of it; do you recollect at all?—It was thanking them for the kind manner in which they had received him, and giving them the same pledges if he was returned.

5860. Did any other person speak?—Yes; this Father Flynn spoke.

5861. Did you hear anything that was said by him?—I heard part of his speech.

5862. Will you relate as accurately as you can what it was you heard him say?—His speech was as usual all in support of Mr. De La Poer, urging the electors to support him and to oppose Captain Talbot.

5863. Did he make use of any particular expressions that you remember?—He ran down the Beresford family; that was the chief cry with them all.

5864. When you say the Beresford family, do I understand that as distinguished from political objections?—

Mr *O'Malley* objected to the question.

5865. Mr. *Bourke.*] What did he say of the Beresford

E. Kennedy.

2 April 1867.

Beresford family?—He told them that Captain Talbot would make a bad Member if they returned him; he said that all the Beresfords were bad.

5866. Did any other person speak?—A Mr. Robert Kennedy spoke also.

5867. You say you saw the Reverend Mr. Flynn of Capperquin on that occasion?—Yes.

5868. Did you see him on any other occasion during the election?—Yes, I saw him standing at the booths down at the court-house, the main door of the court-house.

5869. Did you see him doing anything besides standing at the door?—There were a lot of other clergymen with him, and civilians also, scanning all the voters as they passed; looking at them, staring at them.

5870. Were you in any of the polling booths during the election?—Yes.

5871. In which booth were you?—In each of the booths. I brought voters into each booth, I think.

5872. Did you see violence offered to any voter in the booth during the time you were there?—Not exactly violence; but when a voter would be asked to record who he would vote for—

Mr. *O'Malley* objected.

5873. Mr. *Bourke.*] Did you see any hands laid on a voter?—

Mr. *O'Malley* again objected.

5874. By the *Committee.*] Did you see anything done?—I have seen a voter pulled off the table before he attempted to record his vote.

5875. Mr. *Bourke.*] Had he attempted to vote?—Yes, he went up for the purpose of voting.

5876. At the time that you speak of with regard to this voter, what was the state of the booth itself; was it quiet or otherwise?—It was crowded and noisy; there was a great deal of talking going on.

5877. Were there many people in the booth?—It was full.

5878. Now, I ask again, did you see any person in that crowded and noisy booth laying a hand on a voter?—

Mr. *O'Malley* objected to the question.

Mr. *Bourke* was heard in answer to the objection.

Mr. *O'Malley* was heard in reply.

The *Chairman* asked Mr. O'Malley to state again the precise nature of his objection.

Mr. *O'Malley* did so; and

Mr. *Bourke* asked permission to add a few words in answer to it.

The *Chairman* said the Committee would hear Mr. Bourke To-morrow morning, but that it would give Mr. O'Malley the right to reply again.

[The Witness withdrew.

[Adjourned till 11 o'clock To-morrow.

Wednesday, 3rd April 1867.

HUGH EDWARD ADAIR, Esq., Chairman.

Edward Kennedy recalled, and further Examined by Mr. *Stephens*.

The last portion of the examination of this Witness of yesterday having been read.

5879. Did you see any person in that crowded and noisy booth laying a hand on a voter?—I saw several people push a man out before he had time to record his vote.

5880. State shortly what occurred?—I did not know of the name of the party, because he was up before I went into the booth, and before the qualification oath was put to him, he was asked who he would vote for, and he said Captain Talbot.

5881. By the *Committee*.] Did you hear him?—Yes. Mr. Barry immediately jumped up, and caught hold of him by the hand, and said, "Thank you, thank you," and said, "it was De La Poer." Mr. Barry made a great pretence that it was for De La Poer.

5882. Did you see a hand?—Yes, I saw a hand, and several people push him out of the court; the court was very crowded at that time.

5883. Mr. *Stephens*.] On that day were you outside the booth as well as inside?—I was.

5884. By the *Committee*.] Your duty being to bring up voters?—That and going to the telegraph office; chiefly going to the telegraph office; between that and the telegraph office.

5885. I will ask you shortly this: near the court-house were there any troops?—There were.

5886. How were the voters brought from Captain Talbot's committee-room to the court-house?—We had to bring them through a stable first, and then out through a large carriage yard, from that through another long stable, and into the street in front of the court-house.

5887. By doing so, did you avoid the public street?—We avoided the mob, we could not bring them otherwise, we were forced to go that way to avoid the mob.

5888. You say soldiers were stationed at different points?—They were at three or four different points.

5889. Did you see the mob do anything to the soldiers at one of these points?—I saw them rush through the soldiers at one time, and break through the line when Captain Talbot's voters were coming to the committee-room; they broke through the line of the voters and rushed into the committee-room, and the door was shut against the mob, and they broke it with their sticks.

5890. Did all the voters succeed in getting into Captain Talbot's committee-room?—No, some of them got back to the stables, and they shut that door also.

5891. Did you see any car leaving Dungarvan for Kiley's Cross?—I did on the Friday morning.

5892. Did anything happen to these cars?—They were attacked by the mob in the middle of the square in Dungarvan, and the police turned off.

5893. Were there police on each car?—There was, and they were dragged off.

Mr. *Waters* objected that, according to a decision of the Chairman, matters of detail should not be gone into.

5894. Mr. *Stephens* (to the *Witness*).] Were those cars at the time you speak of in the street of Dungarvan?—They were in the middle of the square of Dungarvan.

5895. Do you know of your own knowledge of voters coming into Dungarvan during the night?

Mr. *O'Malley* objected to the question.

The *Chairman* stated that the question could be put.

5896. Mr. *Stephens* (to the *Witness*).] You have already stated that you heard the two speeches of Dr. Halley in Dungarvan?—Yes.

5897. I ask you, did you hear Dr. Halley make any reference to Bishop O'Brien?—I did.

5898. What did he say with regard to Bishop O'Brien?

Mr. *O'Malley* objected to this examination, the Witness having been examined yesterday upon this point.

5899. Mr. *Stephens* (to the *Witness*).] Did Dr. Halley mention the name of Bishop O'Brien?

Mr. *O'Malley* objected to the question.

5900. By the *Committee*.] Did you hear Mr. Halley mention any name in his speech?—I did.

5901. Mr. *Stephens*.] Whose name did he mention?—He mentioned the name of Dr. O'Brien as having presided at a meeting of the priests of the diocese who had unanimously adopted Mr. De La Poer as their candidate.

5902. Did he say when that meeting occurred?—I cannot exactly remember the date, but it was a few days previous to this meeting.

5903. Was anything said with regard to a particular county?—There was a remark made by Mr. Slattery in a speech he made as to the election for the County of Tipperary.

5904. What was said as to the county of Tipperary?—He hoped that the people of Waterford would do the same as they did a month ago in the county of Tipperary; he hoped they would do the same thing in the county of Waterford.

5905. Did you understand what was meant by a "done a month ago in the County of Tipperary?"

Mr. *O'Malley* objected to the question.

5906. Mr. *Stephens* (to the *Witness*).] Did he allude further to what was done in the county of Tipperary

E. Kennedy.

3 April 1867.

Tipperary a month ago?—He said that therning beat the Orange ascendancy there by returning Captain White.

5907. Did he say anything more?—He did a good deal more to the same purpose, having beaten the Orange flag and beaten the renegade Members, and hoped that they would do the same thing in the county of Waterford.

Mr. *O'Malley* stated that he did not desire to cross-examine the Witness.

[The Witness withdrew.

Sir Robert Joshua Paul, Baronet, was called in; and, having been Sworn, was Examined by Mr. *Harris*, as follows:

Sir *R. J. Paul.*

5908. Do you reside in the county of Waterford?—Yes.

5909. What is the name of your place of residence?—Ballyglan.

5910. By the *Committee.*] Where is it near; tell us the nearest large town?—The nearest large town is the town of Waterford; it is seven miles from it.

5911. Mr. *Harris.*] Do you recollect the 23rd of December the Sunday, before the polling-day?—Yes.

5912. On your way home from Ballyglan to the church that you attend, do you pass a chapel called Killeagh?—Yes.

5913. By the *Committee.*] May I ask if you are a Roman Catholic?—I am not.

5914. Mr. *Harris.*] You were returning from your own service; do you recollect seeing any number of persons assembled at the chapel of Killeagh?—On my return I met a number of persons coming out of the chapel yard.

5915. Was that an ordinary congregation, or was that a meeting that had been held there?—A meeting subsequent to the services, I presume.

5916. Did you see any placards posted on the chapel of Killeagh upon that day?—I saw two placards on the house, but I did not go near them to read them.

5917. Did you go up to the chapel to look what was there?—I did not then. I could not identify them by that day's sight.

5918. On the next day, do you recollect passing by that chapel?—Yes; I rode that way the next day.

5919. Did you then see placards still exhibited?—Yes; then pulled up to read them.

5920. Would you look at that placard (*handing a green placard to the Witness*), and say whether a copy of that was one of the placards?—It contains exactly the same words, but I could not exactly say that it was word for word the same.

5921. Was it, to the best of your belief, a copy of that?—It was, to the best of my belief.

5922. Had it the same appearance?—It had the same appearance. That was on one pier.

5923. What was on the other?—The other was a mere notice to meet upon the Sunday, I presume; it had been up for some time, but it was calling a meeting.

5924. By the *Committee.*] Did you observe what was the date of the placard by which you think a meeting either had been or was to be summoned; did you observe any date?—No; but the date of the meeting for that day was on the bill.

5925. What was that date?—The date was for the Sunday the 23rd. This was on the Monday, and Sunday was the day the meeting was summoned for on the bill.

Cross-examined by Mr. *O'Malley.*

5926. The chapels in the country are not unusual places for meetings; the chapel yards?—I do not know at all.

5927. You know something about the country?—I never saw a meeting in any one of them before; not in any one that I passed by.

5928. You saw a meeting that day?—I saw some people coming out of the yard.

5929. Then all I understand of you is, that you saw the people coming out of the chapel yard?—And people in it, too. I presume the object of the meeting was over, and the people were coming away.

5930. That is all your presumption?—That is my presumption.

5931. Do you know of your party branding Mr. De La Poer as a Fenian?—I do not know of the party.

5932. Do you know of anyone doing so—No, I do not know of anyone.

5933. Do you not know of Sir Edward Kennedy doing so?—Yes.

5934. Do you not know of the "Standard" newspaper doing so?—No.

5935. Do you swear that?—Yes, I swear that.

5936. Did you not see anything about Mr. De La Poer being a Fenian?—I may not have read every article in the paper, but I never read in the paper any article saying that Mr. De La Poer was a Fenian.

5937. I am not saying that it said he was a Fenian?—About the accusation?

5938. Yes?—I am not aware.

5939. You are one of the getters-up of the "Standard" yourself?—I am.

5940. Did you not see in the "Standard" the charge of his being a Fenian?—No.

5941. No reference to it; are you quite sure of that?—I never saw it; it might have been there without my seeing it; I never saw any accusation about Mr. De La Poer being a Fenian, or to that effect.

5942. But did you see an article in it relative to the accusation?—I think not.

5943. Recollect yourself?—I do not recollect any article about his being a Fenian.

5944. A gentleman who can carry away in his memory the terms of a placard?—Yes, if he has read it; if I had read it I think I ought to recollect it.

5945. Did you see it, or did you not?—I did not.

5946. Is Sir Edward Kennedy a strong supporter of your side of the question?—Really I could not tell what he is at present.

5947. Was he then?—I could not say.

5948. Do you really mean to say that you were not a strong partisan of the Talbot interest?—I wish well to the Talbot interest.

5949. Were you a strong partisan of Captain Talbot?—I cannot tell.

5950. Have you subscribed to the carrying on of his petition?—I have.

5951. That is what I call being a strong partisan?—I have done so.

5952. What have you subscribed; how much?—£. 100.

5953. Now

5953. Now do you not know that Sir Edward Kennedy was an active supporter of his?—He promised him support.

5954. An active partisan of his?—I do not think that he took great interest in the election at all, or any great part in it.

5955. Did he not take a very active part in it, until he was obliged to eat his words at the last election?—I do not think that he attended any of the committee-rooms of Captain Talbot.

5956. That is not an answer to my question; he might be an active supporter without attending any of the committee-rooms?—I do not know what his views are privately, but to my knowledge he did not take any part actively in this election.

5957. May I ask you, did the "Standard" that you spoke of describe Mr. De La Poer as making his public entry into Dungarvan accompanied by prostitutes and priests?—No, I do not recollect that.

5958. Your memory gets very bad at times?—No, I think I should remember the word prostitute if I saw it.

5959. And the collection, prostitutes and priests?—I swear that there never was the word prostitute in any of them.

5960. That you swear?—Yes.

5961. By the *Committee.*] That you read?—Yes, that I read or saw; there might have been some that I did not read or see.

5962. Mr. *O'Malley.*] Did you attend Captain Talbot's committee?—I attended Captain Talbot's committee.

5963. Diligently?—I think as often as we were called I went.

5964. By the *Committee.*] Was that his Waterford committee or his Dungarvan committee?—His Waterford committee.

5965. Were you present when a proposition was made of having Mr. De La Poer arrested as a Fenian?—I never heard of such a proposition at all.

5966. You never heard of such a proposition?—I never heard of such a proposition.

Mr. *Harris* stated that he did not propose to re-examine the Witness.

5967. By the *Committee.*] Were you in Waterford on the day of election?—Yes, I was.

5968. Had you taken any part in the previous elections in Waterford?—Not so active as this time, but I have gone and polled.

5969. When did you vote, in the 1852 election, in the Heby Hutchinson election?—Yes; but the polling place at that time was Dungarvan for me.

5970. Have you any recollection of the state of Dungarvan at that election?—It was quiet.

5971. Positively quiet or comparatively quiet?—While I was in it; I only went to poll and back again.

5972. Early or late in the day?—I went up by the coach from Waterford at seven, which arrived about eleven, and then I went back by the return coach, which gave me about a couple of hours, so that I was not long there.

5973. Do you recollect whether you saw any troops in Dungarvan?—I do not remember, but I know that there was no violence that time while I was there.

5974. That you saw?—That I saw while I was there.

[The Witness withdrew.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

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ON THE

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WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1867.)

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I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; and the Numerals following *Rep.* to the Pages in the Report.]

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B.

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Bryan, John. (Analysis of his Evidence.)—Is a tenant of Lord Hastings, and lives at Ballymaclash, 5718-5721——Statement as to witness and two or three other voters having gone from Mr. Roberts' house at Coolnagower to Dungarvan on the night before the election, 5722-5731——Stoppage of witness's progress by a large crowd, so that he was much intimidated, and told them he was a tenant of Lord Stuart, 5732-5755—— Removal of witness by the mob to a certain house, whence he was again removed to some distance from the town, so that he did not vote at all, 5756-5769.

Butchers (Dungarvan). Denial by witness that on the polling-day he saw the butchers of Dungarvan marching about in a body armed with bludgeons, *Langley* 4064-4073.

Evidence, 1867—*continued.*

C.

Cappagh (*Riot and Intimidation*):

Occupation of witness on the morning before the polling in bringing some voters, who were chiefly tenants of his father, Sir John Keane, to Cappagh, *en route* for Dungarvan; total of nine cars conveying the voters, including three cars which joined at Rockfield, *R. Keane* 2480–2511. 2619–2657——Sundry details relative to the large crowd which assembled near Cappagh, attacked the voters and police with sticks and stones, and eventually compelled the cars and voters to retreat, *ib.* 2512 *et seq.*——Great violence of the mob, witness and several of the voters and police having been struck with stones or sticks, and the voters having been threatened with loss of life if they did not go back, *ib.* 2521 *et seq.*

Statement as to witness and the police having, on the retreat of the voters, pushed on to the police barracks at Cappagh, and as to several prisoners having been taken by the police, *R. Keane* 2557–2610. 2706–2712——Removal of the prisoners into Dungarvan under the charge of some Lancers, who came to Cappagh, *ib.* 2605–2610——Departure of witness and the police from the barracks at Cappagh without molestation, *ib.* 2611–2618——Identification of the names of several of the voters who were under charge of witness; total of twenty-three voters who started with witness, besides whom nine others joined at Rockfield, *ib.* 2619–2649. 2701——Examination to the effect that witness did not see several voters at the Cappagh police barracks on his arrival there, nor did he see any voters go thence into Dungarvan at the same time the prisoners were removed by the Lancers, *ib.* 2714–2772.

Evidence relative to the violent conduct of a mob which assembled at Cappagh and at Mr. Usher's house on the day before the election, when witness went thither in order to accompany some voters into Dungarvan, *Fitzgerald* 2789 *et seq.*——Attack made by the mob at Cappagh upon some of the police who came from the barracks for the protection of witness; retreat of the former into the barracks, closely pursued by the mob, *ib.* 2816–2831——Arrival subsequently of a body of thirteen policemen, together with Mr. Richard Keane and three prisoners, at the Cappagh police barracks, *ib.* 2840–2843——Arrival also of nine policemen from Dungarvan, *ib.* 2844–2846——Several arrests made by the police when reinforced, *ib.* 2847–2850.

Extremely excited state of the mob outside the police barracks on the afternoon of the day before the polling, *Fitzgerald* 2851–2861——Removal of the prisoners from Cappagh to Dungarvan by a troop of Lancers; nine voters, together with Mr. Usher and Mr. Poole, having gone in at the same time, *ib.* 2862–2874. 2942–2959——Reference to the proceedings taken in the case of the prisoners brought from Cappagh; information sworn by witness in the matter, *ib.* 2986–2998——Belief that witness could not have reached Dungarvan from Cappagh or from his residence at Whitechurch on the afternoon before the election day, *ib.* 3010–3012.

Sundry details in connection with the rioting at Cappagh on the day before the election, *Poole* 3186 *et seq.*——Evidence with reference to the constitution and demeanour of the mob who obstructed the progress of the Graghavara voters at Cappagh on the day before the election, *Prendergast* 4211 *et seq.*, 4340 *et seq.*——Statement as to witness having returned from Cappagh to his own house, and as to different parties of men having come to his house after him in the course of the night, *ib.* 4289–4313.

See also *Poole, Thomas Walter* (*Tenantry of*).

Cappoquin. Departure of a large mob from Cappagh, in the direction of Cappoquin, where disturbances seemed to be going on, *Fitzgerald* 2832–3839.

Carrick-on-Suir. Statement as to Mr. De La Poer having made a public entry into Carrick on the 15th December, and as to an effigy of Captain Talbot having been borne about on a pole on the same day, *Purcell* 5674–5688.

Carroll's Cross. Collection of a large mob at Carroll's Cross, where the police had to charge with the bayonet in order to protect the voters, *Langley* 3908–3933.

Cars (*Conveyance of Voters*). Statement as to the great injury done to the cars from Ballymacarbry by the stones thrown by the mob; presentment put in by the car owner for heavy damages, *Coates* 588–594——Serious injury done to several of the cars at Berry's Cross by the stones, *Maclaine* 639. 728–731——Damage done to several cars on the retreat of the voters from Berry's Cross, *Betty* 882, 883. 940–944.

Obstructions in the shape of immense stones encountered by witness and his men on the road from Lackandarra to Dungarvan on the polling morning; cars with voters could not have passed along, *Channer* 1598–1611. 1685–1692——Return of witness and his men to Dungarvan late in the afternoon of the 28th; obstructions encountered in the shape of some barricades thrown across the road, which witness compelled the crowd to remove, *Orred* 2384. 2430–2435. 2467–2474——Entire destruction of one of the cars by the mob at Cappagh, *R. Keane* 2544–2546——Broken state of some cars seen by witness on a bye road at Crochnamaderee on the day of the election, *Halloran* 3093–3099.

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Evidence, 1867—*continued.*

Cars (*Conveyance of Voters*)—continued.

Great injury done to the cars for the Ballyshomac voters by the mob, so that they were rendered useless, *Malley* 3771, 3772. 3776–3783——Total of forty cars or more which conveyed voters from Mr. Palliser's house at Kilmacthomas to Dungarvan on the polling day, under an escort of about thirty police, subsequently reinforced by Lancers, *ib.* 3832–3842. 3856–3858——Broken and unserviceable state of some cars which were intended for some voters under the charge of Mr. Orme Malley, *Langley* 3903–3907 —— Particulars relative to the interference of a mob, and the injury done to witness's cars, so that he was unable to convey any voters from Kilmacthomas to the poll; escape, however, of several cars from the mob, *Walsh* 5291–5310.

Channer, John William. (Analysis of his Evidence.)—Sub-inspector in the Irish Constabulary at Limerick; on 28th December 1866 was engaged in escorting some voters from Ballymacarbry to Dungarvan, 1501–1505——Circuitous route taken by the voters and by the police escort from Ballymacarbry to Berry's Cross, 1506–1510——Collection of a mob at Kilkenny shortly after the arrival of witness's party; great violence displayed by this mob as partisans of Mr. De la Poer, so that the police had repeatedly to charge them with the bayonet, 1511–1554. 1612–1635. 1672–1676. 1724–1727——Result of this attack, that only seventeen out of twenty-three or twenty-four voters were enabled to drive through, and to pass on to Captain Keane's lodge at Lackandarra, 1543–1549.

Statement as to the riotous conduct of the mob at Berry's Cross, so that the voters' lives were in danger; witness was not present at the commencement of this riot, 1557–1563 ——Information relative to the violence of a mob which collected at Lackandarra, where there was a large number of voters under the care of Captain Keane; necessity of the active interference of witness and his men for the protection of these voters, 1569–1597 1668–1671. 1677–1684——Obstructions in the shape of immense stones, encountered by witness and his men on the road from Lackandarra to Dungarvan, on the polling morning; cars with voters could not have passed along, 1598–1611. 1685–1692.

Examination to the effect that witness did not perceive any reluctance amongst the voters to proceed to the poll, nor is he aware that any of them so expressed themselves, 1616–1635. 1664–1667——Belief that witness could not have brought the voters either from Berry's Cross or from Lackandarra into Dungarvan in safety, unless he had had a force of at least fifty men, and was prepared to use violence, 1636–1662. 1693–1723.

Charnley Tenantry :

Arrangement as to some cars having been sent from Ballymacarbry to take up the voters from the Charnley Estates, *Dowseley* 1171–1173——Delay of the Ballymacarbry voters for some time at Berry's Cross, in consequence of the non-arrival of the cars with the Charnley voters, *ib.* 1783, 1784.

Departure of witness from Lismore for Lackandarra Lodge, on 27th December, in order to assist the bailiff of the Charnley Estates to collect the voters, and to take them to Dungarvan on the following day, *Captain Keane* 1888–1891. 1906–1911——Evidence as to the violent and threatening conduct of the mob, which prevented witness and the bailiff taking the Charnley voters from Lackandarra to Berry's Cross, or to Dungarvan on the 28th December, *ib.* 1912 *et seq.*——Total of only forty-two voters at Lackandarra Lodge, when mustered by witness on the 28th, after the attack at Berry's Cross, though he was to take charge of 101 voters from the estate, *ib.* 1966–1983. 2009–2034. 2067–2069 —— Statement relative to the return of the voters from Lackandarra Lodge to their houses, no cars having been forthcoming to take them to Dungarvan, and the men, though desirous to vote, having been afraid to risk the violence of the mob, *ib.* 1969–1971. 1984–1997. 2035 *et seq.*——Circumstance of the Charnley Estate being under the Court of Chancery, *ib.* 2005–2007.

Statement as to witness having left Lackandarra Lodge on the 28th December, in order to meet voters from the Charnley Estate, and as to the violence received at the hands of a mob which collected at Kilkenny, and forced them to return, *C. Orpen* 2085–2120. 2182–2202——Collection of a mob at Lackandarra Lodge in the afternoon of 28th December, by whom great violence was displayed towards the voters assembled there, so that the police had to interfere for their protection, *ib.* 2121–2132. 2201–2208——Identification by witness of several names in a list of the Charnley voters, forty of such voters having been counted by witness at Lackandarra, *ib.* 2133–2169——With regard to the Charnley Estate being now under the Court of Chancery, witness as bailiff received no caution in regard to collecting tenants to vote, *ib.* 2170–2177——There are 101 voters on the estate, *ib.* 2178——None of the men who stopped witness at Kilkenny were known to him as residents on the estates, *ib.* 2194–2200——Witness is not a voter; he assisted in collecting the tenants on the occasion of a former election, when the estate was not in Chancery, *ib.* 2209–2215.

Particulars relative to the obstruction on the part of a large mob to the collection by witness of the Charnley voters, on the 28th December, and to their removal on cars to Lackandarra Lodge, *W. Orpen* 2216 *et seq.*——Attack made on the voters near Kilkenny

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CHARNLEY TENANTRY—continued.

kenny, the result being that only six cars and some of the voters succeeded in reaching the Lodge, *W. Orpen*, 2231–2264——Names of several of the voters who were under charge of witness; none of them reached Dungarvan to poll, *ib.* 2276–2288——Examination to the effect that the promise of a certain situation to witness was not made in connection with his services at the election, *ib.* 2308–2335. 2343–2345——Exceptional instances of individuals in the mob at Kilkenny who were known to witness, *ib.* 2336–2342. 2346–2356.

Statement in explanation and defence of the course pursued by witness as agent for Mrs. Charnley, and as receiver under the Court of Chancery for the Charnley Estate, with reference to the question of the tenants' votes; interference of Orpen, the bailiff, adverted to hereon, *Fitzgerald* 2885–2941. 2999–3009.

See also *Escort of Voters.* *Keiley, Dennis.*

Clergy, The. See *Roman Catholic Clergy.*

Coates, Abraham. (Analysis of his Evidence.)—Is agent for Lord Stradbroke's Waterford Estates; resides at Ballymacarbry, 311. 315——Total of about eighty electors for the county who are tenants of Lord Stradbroke at Ballymacarbry, 312. 499–501——Description of the arrangements, as made by witness, for escorting the tenants on cars to Dungarvan, on the 28th December 1866; indirect route taken, in order to avoid interruption from a hostile mob, 313–335——Escort of the tenants by a military and police force, 336–342.

Sundry details in connection with the violence experienced by Lord Stradbroke's tenantry from a mob, which barred their progress on arrival at Berry's Cross, stones having been thrown in great quantities, the cars having been broken, and the voters compelled to retreat, and to abandon their intention of voting for Captain Talbot, 343 *et seq.*——Serious injuries received by some of the voters before they could leave the cars, 362——Estimate of about 400 persons in the mob when the stones were being thrown, 367. 572–576.

Evidence to the effect that there was no coercion used by Lord Stradbroke as regards the votes of his tenants, though he wrote to witness stating that he wished them to vote for Captain Talbot; denial also that witness exercised any coercion in the matter, 377, 378. 389 *et seq.*——Willingness evinced by the tenantry to vote for Captain Talbot, who were deterred from doing so by the mob, 379–381. 391. 440. 454. 502. 510——Intention also of witness to have voted as Lord Stradbroke wished, though unable to reach Dungarvan on account of the mob, 382–388——Actual contents of the letter received by witness from Lord Stradbroke; absence of any threat or inducement, 397–408. 580–583.

Examination relative to a conversation of witness with a tenant voter of the name of Dwan; how far witness can be said to have used any threat in this case, 409–435. 584–586——Conversation, casually, of witness with a great many of the tenants before the election, with reference to their votes, 436–457——Statement upon the question of witness having exercised any intimidation in the case of Patrick Coffey, a tenant of Lord Stradbroke; intimation made by witness to Coffey, after the election, that he was to pay his year's rent punctually, 458–472. 478–498. 587.

Circumstance of Lord Stradbroke's tenantry being all Roman Catholics, 473–475——Total of about seventy of the tenants who accompanied witness on the morning of 28th December, 476, 477. 499–502——Willingness shown by a tenant of the name of John Norris to vote for Captain Talbot, 503–509.

Further explanations in connection with the assembling or collecting of the voters on the morning of the 28th December, and the subsequent bar to their progress on arriving in the cars at Berry's Cross, 511 *et seq.*——Willingness generally of the tenants to vote as Lord Stradbroke wished, the only obstacle having been the violence of the mob, 553–571——Statement as to the great injury done to the cars by the stones thrown; presentment put in by the car-owner for heavy damages, 588–594.

[Second Examination.]—Explanation in connection with a certain list of the voters of Lord Stradbroke for whom witness provided cars from Ballymacarbry to Dungarvan, 1728–1742——Statement to the effect that witness saw all the voters in this list actually get on the cars, 1743–1761.

Coffey, Patrick. Statement upon the question of witness having exercised any intimidation in the case of Patrick Coffey, a tenant of Lord Stradbroke's; intimation made by witness to Coffey, after the election, that he was to pay his year's rent punctually, *Coates* 458–472. 478–498. 587.

Conveyance of Voters. See *Cars, &c.*

Cooney,

Evidence, 1867—*continued.*

Cooney, Richard. (Analysis of his Evidence.)—States that he was going to Dungarvan on 28 December 1866, to vote for Captain Talbot, together with a number of other voters, and under a military escort, but was stopped and beaten by a mob at Berry's Cross, so that he had to retreat as well as he could, and was intimidated from going on to Dungarvan, 964 *et seq.*

Corrupt Practices. Resolution of the Committee that no evidence was adduced in regard to corrupt practices at the election, *Rep.* iii. ix.

See also *Abduction of Voters.* *Intimidation.* *Riots.*

Craydon, William. (Analysis of his Evidence.)—Employment of witness at the time of the election in posting a large number of bills in Waterford; contents of these bills, 5689–5700. 5714–5716——Engagement and payment of witness as bill-poster by Mr. Redman, of the "Waterford News," 5701–5713.

Crochnamaderee. Collection of a mob on the road at Crochnamaderee, on the election day, *Halloran* 3087–3092.

Crotty, Morris. (Analysis of his Evidence.)—Is a tenant of Lord Stradbroke, and an elector of the County of Waterford, 1056–1059——Intended to vote for Captain Talbot, according to the wishes of Lord Stradbroke, but was stopped, on his way to Dungarvan, by a mob at Berry's Cross, by whom he was severely beaten, so that he was obliged to go back again without voting, 1060 *et seq.*——Witness does not recollect any conversation among Lord Stradbroke's voters to the effect that they were very glad they were prevented from going into Dungarvan to vote for Captain Talbot, 1110–1150. 1210–1221——A son of witness, and some other boys, were near the mob at Berry's Cross, but took no part in the onslaught on the voters, 1159 *et seq.*

Cullinane, James. (Analysis of his Evidence.)—Is a voter for the county of Waterford, and lives at Bishopstown, 5527, 5528——Statement as to witness and several other voters having been pressed or compelled by a party of men to accompany them to certain places on the day before the last election, 5529–5550——Circumstances under which witness eventually got away from these men, and voted on the following day at Carrick; belief that the other voters as well as witness might have got away, 5552–5561. 5590–5603——Hospitable treatment of witness and of a large body of voters at Curraghmore (Lord Waterford's place) on the night before the polling, 5562–5587.

Cummins, Thomas. Thomas Cummins was one of several voters taken away from witness's house at Ballynaneen on the night before the election, *O'Donoghue* 3611.

D.

Dalton, John. (Analysis of his Evidence.)—Statement as to witness, who is in the service of Mr. Purser of Colligan Mill, near Dungarvan, having left the mill on the evening before the last election, and as to his having subsequently received some papers from one John Hartnett, 3121-3142.

De La Poer, Edmund (Member of the House.) Resolution of the Committee that Mr. De La Poer was duly elected, *Rep.* iii. ix.

Disturbances. See *Riots.*

Dowseley, James D'Altra. (Analysis of his Evidence.)—Solicitor at Clonmel; went from Clonmel to Ballymacarbry on the morning of the 28th December, with a lot of cars, in order to convey voters into Dungarvan, 1762–1766——There was a military escort, and a magistrate, Mr. Warburton, was present, 1767–1769——Before starting from Ballymacarbry, some of the cars were detached for the Charnley voters, and were to rejoin the Ballymacarbry voters at Berry's Cross, 1771–1773——In consequence of certain information it was decided to go from Ballymacarbry to Berry's Cross by the mountain road instead of the main road, 1774–1782.

Delay for some time at Berry's Cross in consequence of the non-arrival of the cars with the Charnley voters, 1783, 1784——Particulars relative to the collection of a mob at Berry's Cross, and the onslaught made upon the voters and the military, so that the cars conveying the former had to retreat, 1785–1809. 1840–1864——Violence displayed by the mob towards the Rev. Mr. Fry and Mr. Prendergast, 1799.

Great difficulty experienced by witness in subsequently reaching Dungarvan, 1810–1819. 1865–1871——Attendance of witness at one of the polling-booths as inspector on the part of Captain Talbot, 1820. 1825. 1835–1839. 1877–1883——Statement relative to the attack of the mob on the Lancers on the polling day, large stones having been showered on the latter, 1823–1829——Presence of several Roman Catholic clergymen with the voters for Mr. De La Poer, 1830–1834.

Dowseley, Mr. Belief as to the great difficulty experienced by Mr. Dowseley, who was with the voters from Ballymacarbry, &c., in getting to Dungarvan on the night of the 28th December, *Fry* 283–291. 306.

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DUNGARVAN:

Statement relative to the attack of the Dungarvan mob on the Lancers on the polling day, large stones having been showered on the latter, *Dowsley* 1823-1829——Outrageous conduct of the mob throughout the whole day on the 28th December, *Orred* 2385——Riotous state of Dungarvan during the whole of the polling day, *ib.* 2386, 2387. 2399, 2400——Details relative to the disorderly and violent character of the mob in Dungarvan on particular occasions on the polling day, stones have been frequently thrown, and strong escorts required for the protection of Captain Talbot's supporters, *ib.* 2391-2418. 2436-2463. 2475.

Description of the attack made by the mob in Dungarvan upon some voters and upon the Lancers in charge of them when coming over the bridge on the polling day; violence of the crowd on this occasion, *Fitzgerald* 2875-2883——Examination as to the mode in which some of Captain Talbot's voters were accommodated with lodgings, and were protected in Dungarvan on the night before the polling; doubt as to the men having been kept strictly guarded, *ib.* 2960-2985.

Exceeding violence of the mob at Dungarvan as witness and the voters from Ballyshomac entered the town; volleys of stones were thrown at the Lancers, and great excitement prevailed, *Mailey* 3842-3860——Extremely disturbed state of the town throughout the day of the election, *ib.* 3850-3855.

Statement as to Mr. Allen of Lochtan, and witness, having been surrounded by a mob on reaching Dungarvan on the election morning, and having been driven in their car against their will to O'Neil's Hotel instead of Lynch's Hotel, *Rev. T. Power* 4117-4164——Particulars as to Mr. Allen and witness having eventually reached Lynch's Hotel through the assistance of some gentlemen at O'Neil's Hotel, *ib.* 4155-4190.

Public entry of Mr. De La Poer into Dungarvan on the 21st November; several persons by whom accompanied, *Kennedy* 5800-5811——Further entry of Mr. De La Poer into Dungarvan on the 3rd of December, preparations having been previously made, *ib.* 5838-5843——Great difficulty in getting Captain Talbot's voters from the committee room to the polling-booths on account of the violence of the mob, *ib.* 5886-5890——Attack made by the mob upon some cars in the middle of the square, in Dungarvan, on the polling-day, *ib.* 5891-5894.

See also *Polling-booths.*

Dwan.—Examination relative to a conversation of witness with a tenant voter on Lord Stradbroke's property of the name of Dwan; how far witness can be said to have used any threat in this case, *Coates* 409-435. 584-586.

E.

Election of 1852. Less excitement and disturbance at Carrick at the election of 1852 than at Dungarvan at the last election, *Langley* 4092-4099——Quiet state of Dungarvan when witness polled there at the election in 1852, *Sir R. J. Paul* 5967-5974.

ESCORT OF VOTERS:

Witness, who is an officer of the 6th Dragoon Guards, accompanied a body of voters from Lord Stradbroke's property towards Dungarvan on the 28th December 1866; was in charge of the rear guard, *Maclaine* 595-605——On arriving at Berry's Cross the party was joined by a detachment of Lancers as an escort into Dungarvan, *ib.* 606-615——Statement of the total strength of the escort at Berry's Cross, including Dragoons, Lancers, and police, *ib.* 684-692. 710-723——Orders given to witness to keep the cars as close together as possible, but without any instructions to prevent the voters getting off if they liked, *ib.* 694-706. 779, 780——Return of witness and his men to Clonmel about twenty minutes after the voters had dispersed at Berry's Cross through the attack of the mob, *ib.* 732-740——Witness heard no conversation upon the question of the troops firing on the mob, *ib.* 748-751. 781——Injuries inflicted on some of witness's men at Berry's Cross, he himself having also been struck, *Betty* 860-865. 888, 889.

Witness, who is a Sub-inspector in the Irish Constabulary at Limerick, on 28th December 1866 was engaged in escorting some voters from Ballymacarbry to Dungarvan, *Channer* 1501-1505——Circuitous route taken by the voters and by the police escort from Ballymacarbry to Berry's Cross, *ib.* 1506-1510——Belief that witness could not have brought the voters either from Berry's Cross or from Lackandarra into Dungarvan in safety unless he had had a force of at least fifty men, and was prepared to use violence, *ib.* 1636-1662. 1693-1723.

Witness, who is Captain in the 12th Lancers, went with some of his men from Dungarvan to Berry's Cross on the 28th December, in order to escort some voters to the poll, *Orred* 2357-2364——Attack made upon witness and his men before reaching Berry's Cross by a large crowd, who threw stones at them, *ib.* 2365-2373. 2420-2425——Description of the violence subsequently displayed towards witness and his men by the crowd which assembled at Berry's Cross; witness was himself struck with a stone, and two of his men were seriously hurt on leaving for Lackandarra Lodge, *ib.* 2374-2376. 2426-2429——Departure of witness and his men from Lackandarra in order to met some voters

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voters under charge of Sub-inspector Channer; on meeting Mr. Channer, witness found these voters had already been taken from him, *Orred* 2376–2384.

Suggestion made by witness to the police in charge of the Charnley voters, that some blank cartridges should be fired at the mob near Kilkenny; the sub-inspector, however, ordering his men to prime and load, *W. Orpen* 2247, 2248. 2293–2302——Escort of thirteen constabulary accompanying the voters under charge of witness, *R. Keane* 2488——Use of their bayonets by the police in order to keep the mob at Cappagh from the cars and the voters; statement also as to a shot having been fired by one of the police, *ib.* 2658–2700. 2773–2783——Statement relative to the departure and progress of the voters from Mr. Palliser's house to Dungarvan on the polling day, and the escort of police and Lancers by which protected, *Langley* 3957–3980——Considerable number of cars and voters picked up from different estates on the way to Dungarvan, there being altogether about seventy cars and from 150 to 200 voters, *ib.* 3967–3975. 4103–4108.

See also *Ballamacarbry Voters.* *Cappagh.* *Charnley Voters.* *Dungarvan.* *Lismore.* *Riots.*

Evidence for Petition. Examination upon the question of witness having made any statement of the evidence which he could give on behalf of the petition, or having been in communication with Mr. Hearn on the subject, *Parker* 4689–4721. 4760–4766. 4787–4802. 4821——Denial that witness went into Mr. Slattery's house at Lismore in the character of a spy or with any intention of reporting what he might see, *ib.* 4725–4757. 4811–4820.

F.

Fenton, James. (Analysis of his Evidence.)—Lives at Newtown in the county of Waterford; is a tenant of Lord Stradbroke, and a voter for the county, 1236–1239——On the morning of 28 December 1866, left Ballymacarbry with the other tenants of Lord Stradbroke, in order to go to Dungarvan to vote for Captain Talbot, the whole partly having been in cars, 1240–1246. 1269–1272——Particulars relative to the violence displayed towards the voters by a crowd which collected at Berry's Cross, so that the voters had to make the best of their way back again; injuries received by witness, he having been struck with stones before he could escape, 1247–1268. 1291 *et seq.* 1366–1368——Instances of tenants of Lord Stradbroke who have leases, 1277–1285——Statement to the effect that there were no sons of the Stradbroke tenants, nor any of their servants with the crowd at Berry's Cross, 1325–1350.

Fitzgerald, Samuel Richard. (Analysis of his Evidence.)—Is a magistrate of the county of Waterford, and is agent of Mr. Usher, of Cappagh, 2785–2788——Evidence relative to the violent conduct of a mob which assembled at Cappagh and at Mr. Usher's house, on the day before the election, when witness went thither in order to accompany some voters into Dungarvan, 2789 *et seq.*——Attack made by the mob at Cappagh upon some of the police who came from the barracks for the protection of witness; retreat of the former into the barracks, closely pressed by the mob, 2816–2831.

Departure of the mob from Cappagh in the direction of Cappoquin, where disturbances seemed to be going on, 2832–2839——Arrival subsequently, of a body of thirteen policemen, together with Mr. Richard Keane and three prisoners, at the Cappagh police barracks, 2840–2843——Arrival also of nine policemen from Dungarvan, 2844–2846——Several arrests made by the police when reinforced, 2847–2850——Extremely excited state of the mob outside the police barracks on the afternoon of the day before the polling, 2851–2861.

Removal of the prisoners from Cappagh to Dungarvan by a troop of Lancers, nine voters, together with Mr. Usher and Mr. Poole, having gone in at the same time, 2862–2874. 2942–2959——Description of the attack made by the mob in Dungarvan upon some voters, and upon the Lancers in charge of them when coming over the bridge on the polling-day; violence of the crowd on this occasion, 2875–2883.

Statement in explanation and defence of the course pursued by witness, as agent for Mrs. Charnley, and as receiver under the Court of Chancery for the Charnley Estate, with reference to the question of the tenants' votes; interference of Orpen, the bailiff, adverted to hereon, 2885–2941. 2999–3009——With regard to the distress levied in the case of Dennis Keiley, one of the Charnley voters, this had nothing to do with his having voted for Mr. De La Poer, 2903–2914. 2999–3003

Examination as to the mode in which some of Capt. Talbot's voters were accommodated with lodgings, and were protected in Dungarvan on the night before the polling; doubt as to the men having been kept strictly guarded, 2960–2985——Reference to the proceedings taken in the case of the prisoners brought from Cappagh; informations sworn by witness in the matter, 2986–2998——Belief that witness could not have reached Dungarvan from Cappagh, or from his residence at Whitechurch, on the afternoon before the election day, 3010–3012.

Total of four polling-places in the county of Waterford; insufficiency of this number, 3013–3019.

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Flynn, Rev. Mr. Active part taken at Dungarvan by the Rev. Mr. Flynn, Roman Catholic priest, in support of Mr. De La Poer, *Kennedy* 5854-5869.

Foran, Patrick. (Analysis of his Evidence.)—Details as to witness having been occupied on the day before the election in driving David Shenahan, accompanied by a party of men, to Kilshelan and other places, 5604 *et seq.*

Forran Michael. (Analysis of his Evidence.)—Resides at Cloneagh, in the county of Waterford; is a voter for the county, 5437-5443——Statement showing that witness and several other voters were forcibly prevented by some parties of men from going to the poll, and from recording their votes at the last election, 5444 *et seq.*

Fry, The Rev. Charles. (Analysis of his Evidence).—Resides at Ballymacarbry, in the county of Waterford; is a voter for the county, 7-14——Statement as to witness having left Ballymacarbry for Dungarvan on the morning of 28th December 1866, together with other supporters of Capt. Talbot, under a military escort, 15-20——Details relative to the violence experienced by witness and other voters at the hands of a large mob which assembled at Berry's Cross, to dispute their passage on to Dungarvan; estimate of about 100 people as having been engaged at one time in throwing stones at the voters or the military, 21 *et seq.*

Particulars of the violence or intimidation in the case personally of witness, the result being, that he made the best of his way home again, and did not vote for Capt. Talbot as he had intended, 37 *et seq.*——Examination to the effect that witness did not go by the direct road towards Dungarvan, and that voters were taken up on the cars at different places, whilst a good many persons joined on foot, 115-160. 235-248——Circumstance of witness not having seen any one struck by the stones, 161-165——Estimate of the number of cars, and of the military and police force which started from Ballymacarbry, 166-194. 305.

Statement as to the voters having been accompanied by Lord Stradbroke's agent and some other gentlemen, though witness does not know that this was for the purpose of securing their fidelity, 196-237——With a few exceptions the voters were all Roman Catholics, 224, 225——Denial that witness and the other voters from Ballymacarbry, &c. ran away from the mob prematurely or without good reason, 243 *et seq.*——Belief as to the great difficulty experienced by Mr. Dowseley, a solicitor, from Clonmel, who was with the voters from Ballymacarbry, &c., in getting to Dungarvan on the night of the 28th December, 283-291.

Second Examination.]—Further statement as to the circumstances under which Mr. Dowseley reached Dungarvan on the evening of 28th December, 306——Explanation that all the voters in the procession from Ballymacarbry were Roman Catholics, there having been some Protestants in the same carriage with witness, 306–310.

G.

Goold, George. Statement as to George Goold, a voter, having been prevented from polling at Lismore for Captain Talbot through the interference of the mob, *Power* 4894-4896. 4910-4913.

H.

Hackett, Mr. Strong speech made at Dungarvan by Mr. Hackett, a barrister, in support of Mr. De La Poer, *Kennedy* 5831-5837.

Halley, Rev. Dr. Prominent part taken by Dr. Halley, parish priest of Dungarvan, in support of Mr. De La Poer; speech made by him on 21st November, *Kennedy* 5815-5830——Further speech made by Dr. Halley on 3rd December, in support of Mr. De La Poer, *ib.* 5847-5851.

Halloran, Joseph. (Analysis of his Evidence.)—Is driver of the mail car between Clonmel and Dungarvan, 3023-3027.——Information relative to several crowds seen by witness at different points on the road between Clonmel and Dungarvan on the day before the election; collection also of a pile of stones on the road near Berry's Cross, 3028–3079——Circumstance of witness having carried the mails on horseback on the day of the election, 3080–3086.

Collection of a mob on the road at Crochnamaderee on the election day, 3087–3092——Broken state of some cars seen by witness on a bye-road at Crochnamaderee on the day of the election, 3093-3099——Statement as to a band having played through the streets of Dungarvan on the Sunday before the election, Mr. Slattery having accompanied the band on a car, 3100–3120.

Hartnett, John. (Analysis of his Evidence.)—Is a summons server at Lismore; was employed by Mr. Slattery to post some bills at Lismore before the last election for the county of Waterford, 3274-3279——Statement as to the first bills given to witness by

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Hartnett, John. (Analysis of his Evidence)—*continued.*

by Mr. Slattery having been the address of Mr. De La Poer, 3280-3295——Recent conversation between Mr. Slattery and witness as to the precise bills or placards which witness could prove he was employed to post; denial by Mr. Slattery that he had given witness any bills, save the address of Mr. De La Poer and the declaration of the Roman Catholic clergy, 3296-3309.

With regard to the bills containing the address or declaration of the clergy, this was posted by witness in Lismore, Cappoquin, and Callow, about the end of November, 3310-3315 ——Payment of witness by Mr. Slattery, in instalments, for posting the two sets of bills before referred to, 3316-3321——Statement as to witness having subsequently sent in a bill for 2 *l.* to Mr. Slattery on account of bill posting, including the posting of a certain green bill, and as to Mr. Slattery having paid him only 4 *s.*, 3322 *et seq.*

Examination upon the question of witness having received some bills in green from Mr. Slattery, and having been directed by him to post them; positive statement as to Mr. Slattery having given these bills to witness, 3329 *et seq.*——Explanation of the circumstances connected with the attendance of witness before the Committee; conversation on the subject between witness and David Power, 3394-3419.

Hayes, Thomas. (Analysis of his Evidence.)—Is a voter of the county of Waterford, resident about three miles from Bondmahon, 4959-4963——Statement as to witness and some other voters having gone to the house of Mr. O'Donoghue on the day before the election, 4964-4978——Circumstance of a voter of the name of Redman having been taken away by the mob from O'Donoghue's house on the afternoon before the day of polling, 4979-4985——Arrival of a large mob at O'Donoghue's house on the night before the polling, by whom witness and the rest of the voters, except two, were taken away, 4986-5013.

Particulars as to the way in which witness's time was passed after being taken from O'Donoghue's house until the evening of the polling-day; watch kept over him and others so that they could not get to the poll, 5014-5041——Refreshments provided for witness and the other voters at O'Donoghue's, 5042-5050——Willingness of witness to vote in accordance with the wishes of his landlord, Mr. Malcomson, 5051-5056——Examination to the effect that witness had no marked preference for Mr. De La Poer, and that he was not compelled in any way by his landlord to promise his vote for Captain Talbot, 5056-5106.

Hearn, Michael. Michael Hearn was one of several voters taken away from witness's house at Ballynaneen by a mob on the night before the election, *O'Donoghue* 3611. 3613.

Henibury, Timothy. (Analysis of his Evidence.)—Statement as to witness having seen the voters, Michael Forran and David Shenahan, accompanied by a party of men, who were taking them on the road back from Carrick on the day before the election, 5497-5526.

Hudson, Richard. Statement as to Mr. Richard Hudson having been Mr. De La Poer's conducting agent at Dungarvan, and having brought up voters to the poll, *Kennedy* 5783-5799.

Hunt, Ambrose. (Analysis of his Evidence.)—Is surgeon to the union at Dungarvan, 3452, 3453. 3570——Particulars relative to the great obstruction offered to the journey of witness and a voter named Thomas Redman from Bondmahon to Ballynaneen on the day before the election, 3452-3492 ——Necessity of the active interference of the police before witness and Redman succeeded in reaching the house of Thomas O'Donoghue, a tenant of witness at Ballynaneen, 3492-3502——Willingness evinced by Redman to accompany witness, 3502.

Statement showing the violence of the mob at Bondmahon on witness's return thither from Ballynaneen on the 28th December, 3503-3517 —— Intention of witness to have returned with some voters from Bondmahon to Dungarvan on the night before the election, 3509——Circumstance of Dr. Walker, of Bondmahon, having been one of those who did not succeed in getting to Dungarvan on the evening before the polling, 3511-3516.

Return of witness from Bondmahon to Ballynaneen on the night of 28th December, when he found that the voter Redman was not at O'Donoghue's house, 3526-3530——Mention of a voter named James Murray as one of those assembled at O'Donoghue's house on the return of witness, there having been also some twelve or fourteen other persons there, 3531-3540——Particulars relative to the great violence of the mob outside O'Donoghue's house on the night of 28th December; attack made with stones, and threat to take witness away, so that he threatened to use a revolver, 3541 *et seq.*

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I.

NTIMIDATION:

Particulars of the violence or intimidation in the case personally of witness, the result being that he made the best of his way home again, and did not vote for Captain Talbot as he had intended, *Fry* 37 *et seq.*——Witness states that he was going to Dungarvan on 28th December 1866, to vote for Captain Talbot, together with a number of other voters, and under a military escort, but was stopped and beaten by a mob at Berry's Cross, so that he had to retreat as well as he could, and was intimidated from going on to Dungarvan, *Cooney* 964 *et seq.*; *Crotty* 1060 *et seq.*; *Fenton* 1247 *et seq.*

Intention of witness to have voted for Captain Talbot had he not been prevented by the mob, *Nugent* 1411–1419——Doubt as to the Ballymacarbry voters having evinced or experienced any satisfaction in regard to not voting for Captain Talbot; instance of of one voter who said said that nothing would induce him to risk the violence of the mob a second time, *ib.* 1473–1492. 1499, 1500.

Sundry details in connection with the movements of witness on the day and night before the last election, the result being that he was prevented or deterred by the mob from going to Dungarvan to vote for Captain Talbot, *Jordan* 5180 *et seq.*——Statement as to witness and two or three other voters having gone from Mr. Roberts' house at Coolmagower to Dungarvan on the night before the election, *Bryan* 5722–5731——Stoppage of witness's progress by a large crowd, so that he was much intimidated, and told them he was a tenant of Lord Stuart, *ib.* 5732–5755——Removal of witness by the mob to a certain house, whence he was again removed to some distance from the town, so that he did not vote at all, *ib.* 5756–5769.

See also *Abduction of Voters. Ballymacarbry Voters. Ballyshomac Voters. Cappagh. Charnley Voters. Dungarvan. Escort of Voters. Kilkenny. Lismore. Riots. Stradbroke Tenantry.*

J.

Jones, George Wilson. Violence of the mob at Lismore on the polling-day towards George Wilson Jones, a supporter of Captain Talbot, *Power* 4900–4907.

Jordan, William. (Analysis of his Evidence.)—Is a voter for the county of Waterford; is bailiff and tenant of Mr. Malcomson, 5177–5179——Sundry details in connection with the movements of witness on the day and night before the last election, the result being that he was prevented or deterred by the mob from going to Dungarvan to vote for Captain Talbot, 5180 *et seq.*——Circumstance of witness having gone to the house of Thomas O'Donoghue on the night before the election; injury done previously to the house by the mob, 5222–5237. 5263–5273——Support given by witness at a former election to Mr. Hutchinson; change of witness's landlord since that period, 5279–5287.

K.

Keane, Captain Leopold. (Analysis of his Evidence.)—Is brother of Sir John Keane, and uncle of Mr. Charnley, whose estates are in the neighbourhood of Lackandarra, 1884–1887——Departure of witness from Lismore for Lackandarra Lodge on 27th December, in order to assist the bailiff of the Charnley estates to collect the voters, and to take them to Dungarvan on the following day, 1888–1891. 1906–1911——Large numbers of people collected at Mountain Castle, Mr. O'Keefe's residence, on 27th December, Mr. De La Poer having been staying there on that day, 1892–1905.

Evidence as to the violent and threatening conduct of the mob, which prevented witness and the bailiff taking the Charnley voters from Lackandarra to Berry's Cross, or to Dungarvan on the 28th December, 1912 *et seq.*——Particulars relative to the violence of a mob which assembled around Lackandarra Lodge, so that the police had to disperse them with the bayonet, 1946–1965. 2035–2040. 2070–2078. 2082, 2083——Total of only forty-two voters at Lackandarra Lodge when mustered by witness on the 28th, after the attack at Berry's Cross, though he was to take charge of 101 voters from the estate, 1966–1983. 2009–2034. 2067–2069.

Statement relative to the return of the voters from Lackandarra Lodge to their houses, no cars having been forthcoming to take them to Dungarvan, and the men, though desirous to vote, having been afraid to risk the violence of the mob, 1969–1971. 1984–1997. 2035 *et seq.*——Circumstance of the Charnley Estate being under the Court of Chancery, 2005–2007——Departure of the police from Lackandarra Lodge early in the morning of 29th December, 2079–2081.

Keane, Richard. (Analysis of his Evidence.)—Was staying at his father's house at Cappoquin at the time of the county election, 2476–2479——Occupation of witness on the morning before the polling in bringing some voters who were chiefly tenants of his father, Sir John Keane, to Cappagh, *en route* for Dungarvan; total of nine cars conveying

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Keane, Richard. (Analysis of his Evidence)—*continued.*

veying these voters, including three cars which joined at Rockfield, 2480-2511. 2619-2657——Escort of thirteen constabulary accompanying the voters under charge of witness, 2488——Sundry details relative to the large crowd which assembled near Cappagh, attacked the voters and police with sticks and stones, and eventually compelled the cars and voters to retreat, 2512 *et seq.*

Great violence of the mob, witness and several of the voters and police having been struck with stones or sticks, and the voters having been threatened with loss of life if they did not go back, 2521 *et seq.*——Entire destruction of one of the cars by the mob, 2544-2546—— Statement as to witness and the police having, on the retreat of the voters, pushed on to the police barracks at Cappagh, and as to several prisoners having been taken by the police, 2557-2610. 2706-2712——Removal of the prisoners into Dungarvan under the charge of some Lancers, who came to Cappagh, 2605-2610——Departure of witness and the police from the barracks at Cappagh without molestation, 2611-2618.

Identification of the names of several of the voters who were under charge of witness; total of twenty-three voters who started with witness, besides whom nine others joined at Rockfield, 2619-2649. 2701——Use of their bayonets by the police in order to keep the mob from the cars and the voters; statement also as to a shot having been fired by one of the police, 2658-2700. 2773-2783——Examination to the effect that witness did not see several voters at the Cappagh police barracks on his arrival there, nor did he see any voters go thence into Dungarvan at the same time that the prisoners were removed by the Lancers, 2714-2772.

Keiley, Dennis. With regard to the distress levied in the case of Dennis Keiley, one of the Charnley voters, this had nothing to do with his having voted for Mr. De La Poer, *Fitzgerald* 2903-2914. 2999-3003.

Kennedy, Sir Edward. Doubt as to Sir Edward Kennedy having been an active supporter of Captain Talbot, *Sir R. J. Paul* 5946, 5947. 5953-5956.

Kennedy, Edward. (Analysis of his Evidence.)—Resides at Dungarvan, 5770-5774——Saw Mr. Barry, Mr. Hodney, and Mr. Dennehy acting as agents for Mr. De La Poer at different polling-booths, 5775-5785——Statement as to Mr. Richard Hudson having been Mr. De La Poer's conducting agent at Dungarvan, and having brought up voters to the poll, 5783-5799——Public entry of Mr. De La Poer into Dungarvan on the 21st November; several persons by whom accompanied, 5800-5811——Several occasions of Mr. Thomas Slattery having been in company with Mr. De La Poer, 5810-5814. 5816.

Prominent part taken by Dr. Halley, parish priest of Dungarvan, in support of Mr. De La Poer; speech made by him on 21st November, 5815-5830——Strong speech made by Mr. Hackett, a barrister, in support of Mr. De La Poer, 5831-5837——Further entry of Mr. De La Poer into Dungarvan on the 3rd of December, preparations having previously been made, 5838-5843——Further speech made by Dr. Halley on 3rd December in support of Mr. De La Poer, 5847-5851——Support given to the cause of Mr. De La Poer by the Roman Catholic clergy generally, 5852-5854. 5869——Active part taken by the Rev. Mr. Flynn in support of Mr. De La Poer, 5854-5869——Circumstance of witness having seen a voter forcibly interfered with in one of the polling-booths, and prevented from recording his vote, 5870-5878.

[Second Examination.]—Further statement as to the interference with a certain voter at Dungarvan when about to poll for Captain Talbot, 5879-5882——Great difficulty in getting Captain Talbot's voters from the committee room to the polling booths, on account of the violence of the mob, 5886-5890——Attack made by the mob upon some cars in the middle of the square in Dungarvan on the polling day, 5891-5894.

Reference made by Dr. Halley to the part taken by Bishop O'Brien and the Roman Catholic clergy of the diocese in support of Mr. De La Poer, 5896-5902—— Hope expressed by Mr. Slattery, in a speech made at Dungarvan, that the electors would beat the Orange party, as already they had been beaten in the county of Tipperary, 5903-5907.

Kilkenny (Riot and Intimidation). Collection of a mob at Kilkenny shortly after the arrival of witness with a party of voters from Ballymacarbry; great violence displayed by this mob, as partisans of Mr. De La Poer, so that the police had repeatedly to charge them with the bayonet, *Channer* 1511-1514. 1612-1635. 1672-1676. 1724-1727——Result of this attack that only seventeen out of twenty-three or twenty-four voters were enabled to drive through and to pass on to Captain Keane's lodge at Lackandarra, *ib.* 1543. 1549.

See also *Charnley Tenantry.*

Kilmacthomas. Violence of the mob at Kilmacthomas on the journey of certain voters from Ballyshomac to Mr. Palliser's house, *Malley* 3815-3822—— Collection of a large crowd at Kilmacthomas when the voters were passing through to Mr. Palliser's house; violence displayed by this mob, Mr. Palliser, witness, and others having been struck with stones, *Langley* 3934-3954.

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L.

Lackandarra (*Riot and Intimidation*). Information relative to the violence of a mob which collected at Lackandarra, where there was a large number of voters under the care of Captain Keane; necessity of the active interference of witness and his men for the protection of these voters, *Channer* 1569-1597. 1668-1671. 1677-1684——Particulars relative to the violence of a mob which assembled around Lackandarra Lodge, so that the police had to disperse them with the bayonet, *Captain Keane* 1946-1965. 2035-2040. 2070-2078. 2082, 2083——Departure of the police from Lackandarra Lodge early in the morning of 29th December, *ib.* 2079-2081.——*See* also *Charnley Tenantry.*

Landlords. See *Charnley Voters. Malcomson, Mr. Poole, Thomas Walter* (*Tenantry of*). *Stradbroke Tenantry.*

Langley, Charles. (Analysis of his Evidence.)—Resides in the neighbourhood of Kilmacthomas, in the county of Waterford, 3866, 3867——Particulars relative to the part taken by witness on the day before the last election for the county, in assisting in the collection of voters at Ballyshomac, &c.; great obstruction and violence encountered at different places, 3868 *et seq.*——Statement as to Mr. John Palliser, of Comeragh House, having accompanied witness, with an escort of police, from Kilmacthomas to Ballyshomac, and as to the voters having eventually reached Mr. Palliser's house after much obstruction and violence had been experienced, 3892 *et seq.*

Broken and unserviceable state of some cars which were intended for some voters under the charge of Mr. Orme Malley, 3903-3907——Collection of a large mob at Carroll's Cross, where the police had to charge with the bayonet in order to protect the voters, 3908-3933——Collection also of a large crowd at Kilmacthomas, when the voters were passing through to Mr. Palliser's house; violence displayed by this mob, Mr. Palliser, witness, and others, having been struck with stones, 3934-3954.

Large number of voters from different estates collected at the house of Mr. Palliser on the night before the polling, 3955-3957. 3967-3974. 4087-4091——Statement relative to the departure and progress of the voters from Mr. Palliser's house to Dungarvan on the polling-day; escort of police and Lancers, by which protected, 3957-3980——Considerable number of cars and voters picked up from different estates on the way to Dungarvan, there being altogether about seventy cars, and from 150 to 200 voters, 3967-3975. 4103-4108——Long distances which voters must travel from different points in order to poll at the county elections for Waterford, 3996-4011.

Active support given by Mr. John Palliser to Mr. Talbot, about fifty of his tenants having voted for the latter, 4014-4022——Refreshments provided at Mr. Palliser's house on the night before the election for the voters and the police, 4030-4038. 4047-4049——Explanation that in addition to Mr. Palliser, the voters were joined by Mr. Ardagh, another magistrate, on their way to Dungarvan, 4039-4046. 4074-4086——Denial by witness that on the polling-day he saw the butchers of Dungarvan marching about in a body armed with bludgeons, 4064-4073——Less excitement and disturbance at Carrick at the election of 1852 than at Dungarvan at the last election, 4092-4099.

Lismore. Sole management by witness, on the part of Captain Talbot, in the whole of the Lismore polling district, *Parker* 4493-4498. 4838-4841——Evidence showing the violence of the mob in Lismore towards the supporters of Captain Talbot on the polling-day, *ib.* 4589-4616.——Rough treatment experienced by two Protestant clergymen in Lismore at the hands of the mob, *ib.* 4597-4601.

Difficulty in getting the voters away safely after polling for Captain Talbot; rush made upon witness, so that he had to threaten the mob with a revolver, *Parker* 4602-4616——Further evidence relative to the difficulty experienced in getting the voters of Captain Talbot safely away after they had polled, *ib.* 4617-4630. 4649——Information relative to the force of military and police in Lismore on the polling-day; presence also of three or four magistrates, *ib.* 4767-4783. 4822-4826——Early period of the day at which the polling was virtually over, *ib.* 4784-4786.

Large force of military and police in Lismore on the polling-day, *D. Power* 4853-4855——Circumstance of witness having been at the French hotel in Lismore throughout the polling-day, *ib.* 4856-4861——Particulars as to the violence displayed by the mob on the polling-day towards different supporters of Captain Talbot, *ib.* 4862 *et seq.*——Ill-treatment of Mr. Brown and Mr. Fry, the Protestant clergymen of Lismore. *ib.* 4889-4893——Statement to the effect that witness was not employed on the part of Captain Talbot, and did not attempt to get together any mob to act for him, *ib.* 4920-4937——Apprehension of violence from the town, which prevented witness leaving the French hotel in order to vote for Captain Talbot, *ib.* 4943-4958.

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M.

Maclaine, Murdoch G. (Analysis of his Evidence.)—As an officer of the 6th Dragoon Guards accompanied a body of voters from Lord Stradbroke's property towards Dungarvan on the 28th December 1866; was in charge of the rear guard, 595–605——On arriving at Berry's Cross the party was joined by a detachment of Lancers as an escort into Dungarvan, 606–615——Whilst waiting at Berry's Cross for another body of voters a large crowd gradually formed, obstructed their further progress, and pelted both voters and soldiers with large stones, many of the voters having been struck, and some of the soldiers seriously if not permanently injured, 616–637. 669 *et seq.*, 782–784——Serious injury done to several of the cars by the stones, 639. 728–731.

Circumstance of a gate having been placed across the road near Berry's Cross to obstruct the passage, 640–646——Statement as to two Roman Catholic priests having passed along just after the onslaught of the mob, the latter cheering them vociferously, 650–660. 752–753. 773–778——Reference to the presence of a priest in a house to which one of the wounded soldiers was taken; difficulty in getting a car for the removal of this soldier, 661–668. 759–765——Estimate of from 300 to 400 as the number of the mob, many of whom were armed with heavy sticks, 669. 677, 678. 741–744.

Statement of the total strength of the escort at Berry's Cross, including Dragoons, Lancers, and police, 684–692. 710–723——Orders given to witness to keep the cars as close together as possible, but without any instructions to prevent the voters getting off the cars if they liked, 694–706. 779, 780——Lapse of time between the commencement of the stone throwing and the final retreat of the voters, 724–727, 746, 747——Return of witness and his men to Clonmel about twenty minutes after the voters had dispersed, 732–740——Witness heard no conversation upon the question of the troops firing on the mob, 748–751. 781.

Malcomson, Mr. Willingness of witness to vote in accordance with the wishes of his landlord, Mr. Malcomson, *Hayes* 5051–5056——Examination to the effect that witness had no preference for Mr. De la Poer, and that he was not compelled in any way by his landlord to promise his vote for Captain Talbot, *ib.* 5056–5106.

Malley, George Orme. (Analysis of his Evidence.)—Barrister at law; acts as agent for a cousin in respect of some property at Ballyshomac, between Waterford and Kilmacthomas, 3682–3688. 3861–3864——Departure of witness from Dungarvan for Ballyshomac on the Thursday before the election, in order to meet some tenants of his cousin, who were voters; names of these voters, as assembled at the house of James Comyn, 3689–3715——Steps taken on Thursday evening to get cars for the men, and to bring them into Dungarvan by an indirect route, 3716–3742.

Details relative to the interference and violence of a large number of men shortly after witness and the voters had started from Comyn's house on the night of Thursday; retreat of witness and some of the voters to Comyn's house, 3743 *et seq.*——Great injury done to the cars by the mob, so that they were rendered useless, 3771, 3772. 3776–3783——Violent demeanour of the mob outside Comyn's house, which was barricaded by witness and the voters, 3784–3789.

Particulars relative to the circumstances under which witness and the voters from Ballyshomac reached the house of Mr. Palliser, magistrate, on the day before the polling, and eventually, under a strong escort, succeeded in getting to Dungarvan on the day of the election, 3790–3842——Violence of the mob at Kilmacthomas on the journey of the voters to Mr. Palliser's house, 3815–3822——Total of forty cars or more which conveyed voters from Mr. Palliser's house to Dungarvan on the polling day, under an escort of about thirty police, subsequently reinforced by Lancers, 3832–3842. 3856–3858.

Exceeding violence of the mob at Dungarvan as witness and the voters entered the town; volleys of stones were thrown at the Lancers, and great excitement prevailed, 3842–3860——Extremely disturbed state of the town throughout the day of the election, 3850–3855——Very violent mob assembled within one of the polling booths, 3851——Great inconvenience through the small number of polling places at elections for the county of Waterford, 3865.

Military and Police. See *Escort of Voters.*

Morrisy, Michael. Examination upon the question of a voter of the name of Michael Morrisy having escaped from some rooms in Dungarvan, where several of Captain Talbot's voters were under protection during the night before the election, *Fitzgerald* 2977–2984.

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Mountain Castle. Large number of people collected at Mountain Castle, Mr. O'Keefe's residence, on 27 December, Mr. De la Poer having been staying there on that day, *Captain Keane* 1892–1905.

Murray, James. James Murray was one of several voters taken away from witness's house by a mob, *O'Donoghue* 3611, 3612.

N.

Norris, John. Willingness shown by a tenant of Lord Stradbroke, of the name of John Norris, to vote for Captain Talbot, *Coates* 503–509.

Nugent, Edmund. (Analysis of his Evidence.)—Is a tenant of Lord Stradbroke; formerly held under lease, 1371–1373——Details relative to the violence of the mob which collected at Berry's Cross on 28 December to prevent Lord Stradbroke's tenants going to Dungarvan, to vote for Captain Talbot; numerous stones thrown, so that the voters were obliged to turn back, 1374 *et seq.*——Estimate of from 300 to 400 as the number of the mob, exclusive of children, 1405–1410. 1432–1436——Intention of witness to have voted for Captain Talbot, had he not been prevented by the mob, 1411–1419——Denial that witness, as tenant, received any orders to vote for Lord Stradbroke's friend, 1420–1431. 1493–1497.

Statement that witness did not recognise in the crowd at Berry Cross any sons or servants of the voters from Ballymacarbry, 1437–1455——Witness is not aware that his brother was going from Ballymacarbry to Dungarvan to represent his father as voter, 1463–1472——Doubt as to the Ballymacarbry voters having evinced or expressed any satisfaction in regard to not voting for Captain Talbot; instance of one voter who said that nothing would induce him to risk the violence of the mob a second time, 1473–1492. 1499, 1500.

O.

O'Donnell, Michael. (Analysis of his Evidence.)—Is a tenant of Mr. Poole's, in the neighbourhood of Mondeligo, 4395–4397——Particulars as to the impediments offered by a mob at Cappagh to the progress of witness and other tenants of Mr. Poole, on their way to Dungarvan on the day before the election; anxiety shown by witness to escape from the mob, 4398–4424. 4474–4477. 4486–4490——Statement as to some men having come to witness's house on the polling morning, with the intention of taking him away with them, 4425–4432.

Circumstances under which witness and Mr. Poole's other tenants were asked to vote for Captain Talbot; but for his landlord's wishes witness would have voted for Mr. De la Poer, 4433–4440. 4478–4485. 4491, 4492——Denial that witness was informed by John Prendergast what questions he would have to answer before the Committee, 4441–4462——Nor was witness asked before leaving Dungarvan what evidence he could give, though he has recently told Mr. Bagge in London what information he could supply, 4463–4473.

O'Donoghue, Thomas. (Analysis of his Evidence.)—Statement as to there having been twelve voters at witness's house at Ballynaneen on the night before the election, and as to a mob having taken them all away except two, 3592 *et seq.*—— Great violence of the mob, which consisted of about 200 persons; numerous stones thrown, the windows having been broken in, 3600–3615——Cross-examination upon the question whether the voters did not leave of their own accord, and whether they were not previously locked in; denial generally hereon, 3616 *et seq.*——Supply of beer and refreshments to the voters whilst at witness's house; whisky was not provided for them, 3635–3642. 3662–3672.

Orpen, Charles. (Analysis of his Evidence.)—Statement as to witness having left Lackandarra Lodge on the 28th December, in order to meet voters from the Charnley Estate, and as to the violence received at the hands of a mob which collected at Kilkenny and forced him to return, 2085–2120. 2182–2202——Collection of a mob at Lackandarra Lodge in the afternoon of 28 December, by whom great violence was displayed towards the voters assembled there, so that the police had to interfere for their protection, 2121–2132. 2201–2208——Identification by witness of several names in a list of the Charnley voters, forty of such voters having been counted by witness at Lackandarra, 2133–2169.

With regard to the Charnley estate being now under the Court of Chancery, witness, as bailiff, received no caution in regard to collecting the tenants to vote, 2170–2177——There are 101 voters on the estate, 2178——None of the men who stopped witness at Kilkenny

Evidence, 1867—*continued.*

Orpen, Charles. (Analysis of his Evidence)—*continued.*

Kilkenny were known to him as residents on the estate, 2194–2200——Witness is not a voter; he assisted in collecting the tenants on the occasion of a former election when the estate was not in Chancery, 2209–2215.

Orpen, William. (Analysis of his Evidence.)—Particulars relative to the obstruction on the part of a large mob to the collection by witness of the Charnley voters on the 28th December, and to their removal on cars to Lackandarra Lodge, 2216 *et seq.*——Attack made on the voters near Kilkenny, the result being that only six cars and some of the voters succeeded in reaching the Lodge, 2231–2264——Suggestion made by witness to the police in charge of the voters that some blank cartridges should be fired at the mob, the sub-inspector, however, ordering his men to prime and load, 2247, 2248. 2293–2302.

Attack being made on the Carabiniers and voters at Berry's Cross when witness arrived there from Kilkenny on the 28th December, 2266–2274——Names of several of the voters who were under charge of witness; none of them reached Dungarvan to poll, 2276–2288——Examination to the effect that the promise of a certain situation to witness was not made in connection with his services at the election, 2308–2335. 2343–2345——Exceptional instances of individuals in the mob at Kilkenny who were known to witness, 2336–2342. 2346–2356.

Orred, Captain John Cavendish. (Analysis of his Evidence.)—Captain in the 12th Lancers; went with some of his men from Dungarvan to Berry's Cross on the 28th December in order to escort some voters to the poll, 2357–2364——Attack made upon witness and his men before reaching Berry's Cross by a large crowd, who threw stones at them, 2365–2373. 2420–2425——Description of the violence subsequently displayed towards witness and his men by the crowd which assembled at Berry's Cross; witness was himself struck with a stone, and two of his men were seriously hurt on leaving for Lackandarra Lodge, 2374–2376. 2426–2429.

Departure of witness and his men from Lackandarra in order to meet some voters under charge of sub-inspector Channer; on meeting Mr. Channer witness found these voters had already been taken from him, 2376–2384——Return of witness and his men to Dungarvan late in the afternoon of the 28th; obstructions encountered in the shape of some barricades thrown across the road, which witness compelled the crowd to remove, 2384. 2430–2435. 2467–2474——Outrageous conduct of the mob throughout the whole day, on the 28th; 2385.

Riotous state of Dungarvan during the whole of the polling day, 2386, 2387. 2399, 2400——Reference to a certain placard posted up in the town, 2389, 2390——Details relative to the disorderly and violent character of the mob in Dungarvan on particular occasions on the polling day; stones having been frequently thrown, and strong escorts required for the protection of Captain Talbot's supporters, 2391–2418. 2436–3463. 2475——Much more violent conduct of the mob at the last election than at several previous elections at which witness was present, 2464, 2465.

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Palliser, Mr. Large number of voters from different estates collected at the house of Mr. Palliser, magistrate, near Kilmacthomas, on the night before the polling, *Langley* 3955–3957. 3967–3974. 4087–4091——Active support given by Mr. Palliser to Mr. Talbot, about fifty of his tenants having voted for the latter, *ib.* 4014–4022——Refreshments provided at Mr. Palliser's house, on the night before the election, for the voters and the police, *ib.* 4030–4038. 4047–4049——Explanation that in addition to Mr. Palliser, the voters were joined by Mr. Ardagh, another magistrate, on their way to Dungarvan, *ib.* 4039–4046. 4074–4086.

Parker, Matthew. (Analysis of his Evidence.)—Solicitor in Dublin; had charge of the barony of Coshmore and Coshbridge, as agent for Captain Talbot, at the last Waterford election, Lismore being the polling place for the barony, 4493–4498——Circumstance of witness having seen Mr. De la Poer and Mr. Thomas Slattery canvassing together, 4503—4505——Statement as to witness having seen Mr. Thomas Slattery and his clerk in a room at Dobbins' hotel at Lismore, making out the lists of voters on the part of Mr. De la Poer; conclusion as to this room having been used as a committee-room, 4507–4541——Witness also saw Mr. John Slattery in the room at Dobbins' hotel, and saw him bringing up voters to the poll, 4542–4554.

Reference to a certain green placard, as similar to one taken by witness off the walls in Lismore at the time of the election, 4555–4558——Detail of the circumstances under which witness obtained some placards from a table in the house of Mr. Thomas Slattery early in December, besides some white placards; witness took about a dozen green placards, 4559–4588.

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Parker, Matthew. (Analysis of his Evidence)—continued.

Evidence showing the violence of the mob in Lismore towards the supporters of Captain Talbot on the polling day, 4589-4616——Rough treatment experienced by two Protestant clergymen in Lismore at the hands of the mob, 4597-4601——Difficulty in getting the voters away safely after polling for Captain Talbot; rush made upon witness, so that he had to threaten the mob with a revolver, 4602-4616.

[Second Examination.]—Further evidence relative to the difficulty experienced in getting the voters of Captain Talbot safely away after they had polled, 4617-4630. 4649——Statement as to a voter named David Power not having polled, and as to witness having seen, after the polling, marks of violence on Power's house, the windows having been broken with stones, 4631-4648——Production by witness of a placard, containing the declaration of the Roman Catholic clergy in favour of the candidateship of Mr. De la Poer, 4650-4656——Belief as to the green placards posted up in Lismore having been removed early in December, witness having himself taken down two of these placards, 4657-4672.

Further examination and explanation as to the circumstances under which witness took certain placards from a table in Mr. Slattery's house, 4673-4688. 4722 *et seq.*, 4830-4833——Examination upon the question of witness having made any statement of the evidence which he could give on behalf of the petition, or having been in communication with Mr. Hearn on the subject, 4689-4721. 4760-4766. 4787-4802. 4821——Denial that witness went into Mr. Slattery's house in the character of a spy, or with any intention of reporting what he might see, 4325-4757. 4811-4820.

Information relative to the force of military and police in Lismore on the polling day: presence also of three or four magistrates, 4767-4783. 4822-4826——Early period of the day at which the polling was, virtually, over, 4784-4786——Communication of witness with Mr. Slattery upon the subject of the election being conducted in a proper manner, 4811, 4812. 4834-4837——Sole management by witness on the part of Captain Talbot, in the whole of the Lismore polling district, 4838-4841.

Paul, Sir Robert Joshua, Bart. (Analysis of his Evidence.)—Resides at Ballyglan, in the county of Waterford, 5908—5910——Statement as to witness having, on the Sunday before the election, seen a number of men coming out of the chapel yard at Killeagh, where he concluded a meeting had just been held with reference to the election, 5911-5915. 5926.-5930——Information relative to two placards posted up at Killeagh chapel, one of which was a summons to a meeting on the 23rd December, 5916-5925.

Denial by witness that he is aware of any accusation having been brought by his party at the time of the election against Mr. De la Poer as being a Fenian, 5931-5945. 5962-5966——Doubt as to Sir Edward Kennedy having been an active supporter of Captain Talbot, 5946, 5947. 5953-5956——Warm interest taken by witness in the success of Captain Talbot, 5948-5952——Quiet state of Dungarvan when witness polled there at the election in 1852; 5967-5974.

Personation. Witness is not aware that his brother was going from Ballymacarbry to Dungarvan to represent his father as voter, *Nugent* 1463-1472.

Placards. See *Bills or Placards.*

Police, The. See *Escort of Voters.*

Polling-Booths (Dungarvan). Attendance of witness at one of the polling booths, as inspector, on the part of Captain Talbot, *Dowseley* 1820-1825. 1835-1839. 1877-1883——Very violent mob assembled within one of the polling booths at Dungarvan, *Malley* 3851——Witness saw Mr. Barry, Mr. Hodney, and Mr. Dennehy, acting as agents for Mr. De la Poer, at different polling booths in Dungarvan, *Kennedy* 5775-5785——Circumstance of witness having seen a voter forcibly interfered with in one of the polling booths at Dungarvan, and prevented from recording his vote, *ib.* 5870-5878——Further statement as to the interference with a certain voter at Dungarvan when about to poll for Captain Talbot, *ib.* 5879-5882.

Polling Places (County Elections). Total of four polling places in the county of Waterford; insufficiency of this number, *Fitzgerald* 3013-3019——Great inconvenience through the small number of polling places for the county of Waterford, *Malley* 3865——Long distances which voters must travel from different points in order to poll at the county elections for Waterford, *Langley* 3996-4011.

Poole, Thomas Walter. (Analysis of his Evidence.)—Is owner of some estates in the county of Waterford, 3160-3164——Statement as to witness having accompanied one of his tenants, by name John Brennan, into Dungarvan two days before the last county election, and as to the great violence displayed by the mob towards them on arriving at Dungarvan,

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Poole, Thomas Walter. (Analysis of his Evidence)—*continued.*

Dungarvan, 3165–3185——Departure of witness from Dungarvan on the day before the polling, together with six cars, in order to convey his tenants from near Mountain Castle, 3186–3194.

Sundry details in connection with the rioting at Cappagh on the day before the election, 3186 *et seq.*——Direction given by a Roman Catholic clergyman to the mob at Cappagh, not to hurt any one; obstruction however still continued by the mob to the progress of witness, 3210–3225——Inability of witness to get beyond Cappagh, so that he had to return to Dungarvan without bringing with him any of his tenants from the neighbourhood of Mountain Castle, 3260–3270.

Poole, Thomas Walter (Tenantry of). Total of nine tenants of Mr. Poole, of Graghavara, who arranged to accompany witness into Dungarvan on the day before the polling, *Prendergast* 4202–4210——Particulars relative to the obstructions offered by a mob, at Cappagh, to the progress of witness and his party towards Dungarvan, so that they were compelled to retreat; violence of the mob on this occasion, *Prendergast* 4211 *et seq.*, 4340 *et seq.*—— Result of the opposition of the mob at Cappagh, that neither witness, nor any of the voters who started with him from Graghavara, were able to record their votes, *ib.* 4314–4322——Explanation that witness told the voters that Mr. Poole wished them to vote for Captain Talbot, and that they readily consented to do so, *ib.* 4330–4339.

Particulars as to the impediments offered by a mob, at Cappagh, to the progress of witness, and other tenants of Mr. Poole, on their way to Dungarvan on the day before the election; anxiety shown by witness to escape from the mob, *O'Donnell* 4398–4424. 4474–4477. 4486–4490——Circumstances under which witness and Mr. Poole's other tenants were asked to vote for Captain Talbot; but for his landlord's wishes witness would have voted for Mr. De la Poer, *ib.* 4433–4440. 4478–4485. 4491, 4492.

Power, David. (Analysis of his Evidence.)—Resides at Lismore; is a collector of income-tax and poor's rate, 4842–4844——Is an elector of the county of Waterford, but did not vote at the last election, 4845, 4846——Arrival of Mr. De la Poer at Lismore, some time before the election; belief that he was accompanied by the Lismore band, 4847–4852—Large force of military and police in Lismore on the polling day, 4853–4855——Circumstance of witness having been at the French hotel in Lismore throughout the polling day, 4856–4861.

Particulars as to the violence displayed by the mob on the polling day towards different supporters of Captain Talbot, 4862 *et seq.*——Statement to the effect that witness was not employed on the part of Captain Talbot, and did not attempt to get together any mob to act for him, 4920–4937——Circumstance of Mr. Slattery having offered witness 10*l.* if he would join Mr. De la Poer's party, 4938–4942——Apprehension of violence from the town, which prevented witness leaving the French hotel in order to vote for Captain Talbot, 4943–4958.

Power, David. Statement as to a voter named David Power not having polled at Lismore, and as to witness having seen, after the polling, marks of violence on Power's house, the windows having been broken with stones, *Parker* 4631–4648.

Power, John, (Analysis of his Evidence.)—Witness, who is in the employment of Mr. Purser, of Colligan, was engaged in driving a car on the day before the election, and got as far as Colligan from Dungarvan, but did not go on to Clonmel on that day, though bound for the latter place, 3143–3159.

Power, Patrick. Patrick Power was one of several voters taken away from witness's house, at Ballynaneen, on the night before the election, *O'Donoghue* 3611.

Power, The Rev. Thomas. (Analysis of his Evidence.)—Resides at Clashmore; accompanied Mr. Allen, of Lochtan, into Dungarvan on the morning of the county election, 4109–4116——Statement as to Mr. Allen and witness having been surrounded by a mob on reaching Dungarvan, and having been driven in their car, against their will, to O'Neill's hotel, instead of Lynch's hotel, 4117–4164——Particulars as to Mr. Allen and witness having eventually reached Lynch's hotel through the assistance of some gentlemen at O'Neill's hotel, 4155–4190——Circumstance of both Mr. Allen and witness having polled early in the morning, 4191–4195——At a former election witness voted for Mr. Hely Hutchinson, 4196–4199.

Prendergast, John. (Analysis of his Evidence.)—Is farm bailiff, at Graghavara, to Mr. Thomas Walter Poole, 4200, 4201——Total of nine tenants of Mr. Poole who arranged to accompany witness into Dungarvan on the day before the polling, 4202–4210——Particulars relative to the obstructions offered by a mob, at Cappagh, to the progress of witness and his party towards Dungarvan, so that they were compelled to retreat; violence of the mob on this occasion, 4211 *et seq.*——Statement as to witness having returned from Cappagh to his own house, and as to different parties of men having come to his house after him in the course of the night, 4289–4313.

Result of the opposition of the mob at Cappagh, that neither witness, nor any of the

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Prendergast, John. (Analysis of his Evidence)—*continued.*

voters who started with him from Graghavara, were able to record their votes, 4314-4322——Explanation that witness told the voters that Mr. Poole wished them to vote for Captain Talbot, and that they readily consented to do so, 4330-4339——Evidence with further reference to the constitution and demeanour of the mob who obstructed the progress of the voters, at Cappagh, on the day before the election, 4340 *et seq.*

Purcell, Matthew. (Analysis of his Evidence.)—Statement as to Mr. De la Poer having made a public entry into Carrick, on the 15th December, and as to an effigy of Captain Talbot having been borne about on a pole on the same day, 5674-5688.

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Redman, Thomas. Particulars relative to the great obstruction offered to the journey of witness, and a voter named Thomas Redman, from Bondmahon to Ballynaneen, on the day before the election, *Hunt* 3452-3492——Necessity of the active interference of the police before witness and Redman succeeded in reaching the house of Thomas O'Donoghue, a tenant of witness at Ballynaneen, *ib.* 3492-3502——Willingness evinced by Redman to accompany witness, *ib.* 3502——Return of witness from Bondmahon to Ballynaneen on the night of the 28th December, when he found that the voter Redman was not at O'Donoghue's house, *ib.* 3526-3530.

Circumstance of a voter, of the name of Redman, having been taken away by the mob from O'Donoghue's house on the afternoon before the day of polling, *Hayes* 4979-4985.

Refreshments for Voters. Supply of beer and refreshments to voters whilst at witness's house; whisky was not provided for them, *O'Donoghue* 3635-3642. 3662-3672——Refreshments provided for witness and the other voters at O'Donoghue's house at Ballynaneen, *Hayes* 5042-5050.——*See* also *Waterford, Marquis of.*

Riots:

Details relative to the violence experienced by witness, and other voters, at the hands of a large mob, which assembled at Berry's Cross to dispute their passage on to Dungarvan; estimate of about 100 people as having been engaged at one time in throwing stones at the voters or the military, *Fry* 21 *et seq.*——Circumstance of witness not having seen any one struck by the stones, *ib.* 161-165——Denial that witness and the other voters from Ballymacarbry, &c. ran away from the mob prematurely, or without good reason, *ib.* 243 *et seq.*

Details relative to the attack made by a large mob at Berry's Cross upon some voters being escorted from Ballymacarbry, *Maclaine* 616 *et seq.*; *Betty* 822 *et seq.*——Whilst the Stradbroke tenant voters were waiting at Berry's Cross for another body of voters, a large crowd gradually formed, obstructed their further progress, and pelted both voters and soldiers with large stones, many of the voters having been struck, and some of the soldiers seriously, if not permanently, injured, *Maclaine* 616-637. 669 *et seq.*, 782-784——Circumstance of a gate having been placed across the road near Berry's Cross to obtruct the passage, *ib.* 640-646——Estimate of from 300 to 400 as the number of the mob at Berry's Cross on 28th December, many of whom were armed with heavy sticks, *ib.* 669. 677, 678. 742-741——Lapse of time between the commencement of the stone throwing and the final retreat of the voters, *ib.* 724-727. 746, 747.

Sundry particulars in connection with the riots at Berry's Cross, and the effect as regards the intimidation of the voters, *Betty* 822 *et seq.*; *Dowseley* 1785-1809. 1840-1864——There were probably from 200 to 300 men in the mob, *Betty* 827.

Refusal of the mob at Berry's Cross to disperse, although expostulated with by Mr. Warburton, the magistrate; refusal also to cease stone throwing, although the Riot Act was read, *ib.* 834-836. 855-859. 919-921——Commencement of stone throwing on the departure of some Lancers, after which the voters were attacked, *ib.* 836-843. 919-927——Delay at Berry's Cross in waiting for a second body of voters, there having been no crowd at first, nor any violence, *ib.* 904-907——Further particulars relative to the violence displayed by the mob, and the consequent dispersion of the voters, *ib.* 908-951——Grounds for concluding that the mob was an organised one, *ib.* 953-963.

Estimate of from 300 to 400 as the number of the mob at Berry's Cross, exclusive of children, *Nugent* 1405-1410. 1432-1436——Statement as to the riotous conduct of the mob at Berry's Cross, so that the voters' lives were in danger; witness was not present at the commencement of this riot, *Channer* 1557-1563——Violence displayed by the mob at Berry's Cross, towards the Rev. Mr. Fry and Mr. Prendergast, *Dowseley* 1779——Great difficulty experienced by witness in subsequently reaching Dungarvan, *ib.* 1810-1819. 1865-1871.

Attack being made on the carabiniers and voters at Berry's Cross when witness arrived there from Kilkenny on the 28th December, *W. Orpen* 2266-2274——Much more violent conduct of the mob at the last election than at several previous elections at which witness was present, *Orred* 2464, 2465——Information relative to several crowds seen by witness

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witness at different points on the road between Clonmel and Dungarvan, on the day before the election; collection also of a pile of stones on the road near Berry's Cross, *Halloran* 3028-3079——Circumstance of witness having carried the mail bags on horseback on the day of the election, *ib.* 3080-3086.

Departure of witness from Dungarvan on the day before the polling, together with six cars, in order to convey his tenants from near Mountain Castle, *Poole* 3186-3194——Inability of witness to get beyond Cuppagh, so that he had to return to Durgarvan without bringing with him any of his tenants from the neighbourhood of Mountain Castle, *ib.* 3260-3270.

Resolution of the Committee that no case of a general riot at the election was proved as would make the election null and void, *Rep.* iii. viii.

See also *Ballymacarbry Voters. Ballyshomac Voters. Cappagh. Cars (Conveyance of Voters). Charnley Voters. Dungarvan. Election of* 1852. *Escort of Voters. Intimidation. Kilkenny. Kilmacthomas. Lackandarra. Lismore. Stradbroke Tenantry.*

Roman Catholic Clergy. Statement as to the Roman-catholic priests having passed along by Berry's Cross, just after the onslaught of the mob on certain voters, the mob cheering the priests vociferously, *Maclaine* 650-660. 752-758. 773-778——Reference to the presence of a priest in a house at Berry's Cross, to which one of the wounded soldiers was taken; difficulty in getting a car for the removal of this soldier, *ib.* 661-668. 759-765.

Presence of several Roman-catholic clergymen in Dungarvan with the voters of Mr. De la Poer, *Dowseley* 1830-1834——Direction given by a Roman-catholic clergyman to the mob at Cappagh not to hurt anyone; obstruction however still continued by the mob to the progress of witness, *Poole* 3210-3235.

Production by witness of a placard containing the declaration of the Roman-catholic clergy in favour of the candidateship of Mr. De la Poer, *Parker* 4650-4656.

Support given to the cause of Mr. De la Poer by the Roman-catholic clergy generally, *Kennedy* 5821-5854. 5869——Reference made by the Rev. Dr. Halley, of Dungarvan, o the part taken by Bishop O'Brien and the Roman-catholic clergy of the diocese in upport of Mr. De la Poer, *ib.* 5896-5902.

Statement as to witness having, on the Sunday before the election, seen a number of men coming out of the chapel yard at Killeagh, where he concluded a meeting had just been held with reference to the election, *Sir R. J. Paul* 5911-5915. 5926-5930.

See also *Flynn, Rev. Mr. Halley, Rev. Dr.*

S.

Shanahan, David. (Analysis of his Evidence.)—Is an elector of the county of Waterford, residing near Curraghmore, 5311-5314——Details relative to the violent interference of different parties of men with witness and other voters who intended to poll for Captain Talbot, but were prevented from doing so, 5315 *et seq.*

Slattery, John. Witness saw Mr. John Slattery in the committee room at Dobbins' Hotel, in Lismore, and saw him bringing up voters to the poll, *Parker* 4542-4554.

Slattery, Thomas. Payment of witness by Mr. Slattery in instalments for posting certain bills in Lismore and other places, *Hartnett* 3316-3321——Statement as to witness having subsequently sent in a bill for 2*l.* to Mr. Slattery on account of bill posting, including the posting of a certain green bill, and as to Mr. Slattery having paid him only 4*s.*, *ib.* 3322 *et seq.*

Circumstance of witness having seen Mr. De la Poer and Mr. Thomas Slattery canvassing together in Lismore, *Parker* 4503-4505——Statement as to witness having seen Mr. Thomas Slattery and his clerk in a room at Dobbins' Hotel, at Lismore, making out the lists of voters on the part of Mr. De la Poer; conclusion as to this room having been used as a committee room, *ib.* 4507-4541——Circumstance of Mr. Slattery having offered witness 10*l.* if he would join Mr. De la Poer's party, *D. Power* 4938-4942.

Decisions of the Committee upon the question of the agency of Mr. Slattery having been proved, *pp.* 104. 107.

Several occasions of Mr. Thomas Slattery having been in company with Mr. De la Poer at Dungarvan, *Kennedy* 5810-5814. 5816——Hope expressed by Mr. Slattery in a speech at Dungarvan, that the electors would beat the Orange party, as already they had been beaten in the county of Tipperary, *ib.* 5903-5907.

Resolution of the Committee that a *primâ facie* case of the agency of Mr. Slattery is proved, *Rep.* viii.

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STRADBROKE TENANTRY:

Statement as to the voters from Ballymacarbry having been accompanied by Lord Stradbroke's agent and some other gentlemen, though witness does not know that this was for the purpose of securing their fidelity, *Fry* 196–237.

Total of about eighty electors for the county, who are tenants of Lord Stradbroke at Ballymacarbry, *Coates* 312. 499–501——Description of the arrangement made by witness for escorting the tenants on cars to Dungarvan on the 28th December 1866; indirect route taken in order to avoid interruption from a hostile mob, *ib.* 313–335——Escort of the tenants by a military and police force, *ib.* 336–342.

Sundry details in connection with the violence experienced by Lord Stradbroke's tenantry from a mob which barred their progress on arrival at Berry's Cross, stones having been thrown in great quantities, the cars having been broken, and the voters compelled to retreat, and to abandon their intention of voting for Captain Talbot, *Coates* 343 *et seq.*——Serious injuries received by some of the voters before they could leave the cars, *ib.* 362—— Estimate of about 400 persons in the mob when the stones were being thrown, *ib.* 367. 572–576.

Evidence to the effect that there was no coercion used by Lord Stradbroke as regards the votes of his tenants, though he wrote to witness, stating that he wished them to vote for Captain Talbot; denial also that witness exercised any coercion in the matter, *Coates* 377, 378. 389 *et seq.* ——Willingness evinced by the tenantry to vote for Captain Talbot, though deterred from doing so by the mob, *ib.* 379–388. 391. 440. 454. 502. 510—— Intention also of witness to have voted as Lord Stradbroke wished, though unable to reach Dungarvan on account of the mob, *ib.* 382–388——Actual contents of the letter received by witness from Lord Stradbroke; absence of any threat or inducement, *ib.* 397–408. 580–583——Conversation casually of witness with a great many of the tenants before the election, with reference to their votes, *ib.* 436–457——Circumstance of the tenantry being all Roman Catholics, *ib.* 473–475.

Total of about seventy of the tenants who accompanied witness on the morning of 28th December, *Coates* 476, 477. 499–502——Further explanation in connection with the assembling or collecting of the voters on the morning of the 28th December, and the subsequent bar to their progress on arriving in the cars at Berry's Cross, *ib.* 511 *et seq.* ——Willingness generally of the tenants to vote as Lord Stradbroke wished, the only obstacle having been the violence of the mob, *ib.* 553–571.

Witness, who is a tenant of Lord Stradbroke, intended to vote for Captain Talbot, according to the wishes of Lord Stradbroke, but was stopped on his way to Dungarvan by a mob at Berry's Cross, by whom he was severely beaten, so that he was obliged to go back again without voting, *Crotty* 1060 *et seq.*——Witness does not recollect any conversation among Lord Stradbroke's voters to the effect that they were very glad they were prevented from going into Dungarvan to vote for Captain Talbot, *ib.* 1110–1150. 1210–1221——A son of witness, and some other boys, were near the mob at Berry's Cross, but took no part in the onslaught on the voters, *ib.* 1159 *et seq.*

On the morning of 28th December 1866, witness left Ballymacarbry with the other tenants of Lord Stradbroke, in order to go to Dungarvan to vote for Captain Talbot, the whole party having been in cars, *Fenton* 1240–1246. 1269–1272——Particulars relative to the violence displayed towards the voters by a crowd which collected at Berry's Cross, so that the voters had to make the best of their way back again; injuries received by witness, he having been struck with stones before he could escape, *ib.* 1247–1268. 1291 *et seq.*, 1366–1368——Instances of tenants of Lord Stradbroke who have leases, *ib.* 1277–1285——Statement to the effect that there were no sons of the Stradbroke tenants, nor any of their servants, with the crowd at Berry's Cross, *ib.* 1325–1350.

Details relative to the violence of the mob which collected at Berry's Cross on 28th December, to prevent Lord Stradbroke's tenants going to Dungarvan to vote for Captain Talbot; numerous stones thrown, so that the voters were obliged to turn back, *Nugent* 1374 *et seq.*——Denial that witness, as tenant, received any orders to vote for Lord Stradbroke's friend, *ib.* 1420–1431. 1493–1497——Statement that witness did not recognise, in the crowd at Berry's Cross, any sons or servants of the voters from Ballymacarbry, *ib.* 1437–1455.

Explanation in connection with a certain list of the voters of Lord Stradbroke, for whom witness provided cars from Ballymacarbry to Dungarvan, *Coates* 1728–1742—— Statement to the effect that witness saw all the voters in this list actually get on the cars, *ib.* 1743–1761.

See also *Ballymacarbry Voters.* *Dwan ——.* *Norris, John.* *Riots.*

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Tobin, John. (Analysis of his Evidence.)—Statement as to witness, and several other supporters of Captain Talbot, having been taken by a mob from Mr. O'Donoghue's house, at Ballynaneen, on the night before the election, and having been prevented from going to the poll, 5107 *et seq.*

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W.

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I N D E X

TO THE

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

WATERFORD COUNTY ELECTION PETITION.

(1867.)

Ordered, by The House of Commons, *to be Printed*,
5 *April* 1867.

205—I.

Under 3 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSE OF COMMONS (ARRANGEMENTS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1867.

Tuesday, 25*th June* 1867.

Ordered, That a Select Committee be appointed to consider whether any alteration can be made in the arrangements of the House of Commons, so as to enable a greater number of Members to hear and take part in the Proceedings.

Friday, 28*th June* 1867.

Committee nominated of,—

Mr. Bazley.	Mr. Hankey.
Mr. Bright.	Mr. Beresford Hope.
Mr. Baillie Cochrane.	Mr. Lanyon.
Mr. Cardwell.	Lord Hotham.
Mr. William Cowper.	Mr. Tite.
Viscount Enfield.	Lord John Manners.
Lord Elcho.	Mr. Headlam.
Sir Frederick Heygate.	

Ordered, That the Committee have Power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Monday, 1*st July* 1867.

Ordered, That the Select Committee do consist of Sixteen Members.

Ordered, That Mr. Darby Griffith be added to the Committee.

Monday, 8*th July* 1867.

Ordered, That it be an instruction to the Committee that they have power to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties; and also to consider how better accommodation can be provided within the precincts of the House for the transaction of departmental business during the sittings of The House, by Members holding offices in the Government.

Friday, 19*th July* 1867.

Ordered, That the Committee have Power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT,

THE SELECT COMMITTEE appointed to consider whether any alteration can be made in the ARRANGEMENTS of the HOUSE of COMMONS, so as to enable a greater number of Members to hear and take part in the proceedings, and who were instructed to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties; and also to consider how better accommodation can be provided within the precincts of the House for the transaction of Departmental Business during the Sittings of The House by Members holding offices in the Government;——HAVE considered the Matters to them referred, and have agreed to the following REPORT:

THE Committee have agreed to Report the Evidence to The House, with the plans that have been laid before them, with a recommendation that a Committee on the same subject should be appointed at the commencement of next Session.

19 *July* 1867.

PROCEEDINGS OF THE COMMITTEE.

Monday, 1*st July* 1867.

MEMBERS PRESENT:

Mr. Headlam.	Lord Elcho.
Lord Hotham.	Lord John Manners.
Mr. Hankey.	Mr. Cowper.
Mr. Bazley.	Mr. Lanyon.
Mr. Tite.	

Mr. *Headlam* was called to the Chair.

The Committee deliberated.

[Adjourned till To-morrow, at Twelve o'clock.

Tuesday, 2*nd July* 1867.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Lord Elcho.	Mr. Cowper.
Mr. Hankey.	Viscount Enfield.
Mr. Bazley.	Mr. Lanyon.
Mr. Beresford Hope.	Mr. Darby Griffith.
Sir Frederick Heygate.	

Mr. *Edward Barry*, examined.

Mr. *Bazley*, a Member of the Committee, examined, and showed plans of his own for improving and enlarging the present House of Commons.

Mr. *Edward Barry* further examined on the plans proposed by Mr. *Bazley*.

Motion made, and Question, "That inasmuch as it is desirable in the first instance to ascertain how far the required accommodation for the Members of the House can be obtained with the least alteration of the present building, Mr. Barry be requested to prepare a plan showing the enlargement of the House and lobbies, by removing or piercing the present wall at the back of the Speaker's Chair, and making the most convenient arrangement for the continuous lobbies, and reporters' and ladies' galleries, with the general accommodation to that at present existing"—(Lord *Elcho*)—put, and *agreed to*.

Motion made, and Question, "That with a view of securing a better arrangement of seats on the ground-floor, and of bringing the Treasury and Opposition benches more into the centre of the House, Mr. Barry prepare a plan showing the suggestion made by Mr. Headlam, putting the Speaker's Chair further back, having the seats at the end of the House arranged either in a circular or diagonal manner, taking in the seats at present reserved for Peers and strangers at the south end of the House, and making provision for equivalent accommodation in the galleries"—(Mr. *Lanyon*)—put, and *agreed to*.

Motion made, and Question, "That Mr. Barry be also requested to make a sketch of Mr. Bazley's scheme in communication with him"—(Mr. *Beresford Hope*)—put, and *agreed to*.

Motion made, and Question, "That Mr. Barry be further requested to prepare any plan his good sense may suggest"—(Mr. *Lanyon*)—put, and *agreed to*.

Mr. *Charles Ross* examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 12*th July* 1867.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Cowper.	Mr. Bazley.
Lord John Manners.	Mr. Beresford Hope.
Mr. Hankey.	Mr. Darby Griffith.
Mr. Cardwell.	Viscount Enfield.
Mr. Lanyon.	Sir Frederick Heygate.
Mr. Baillie Cochrane.	

Mr. *George Ward Hunt*, a Member of the House, Dr. *Percy*, Mr. *John Clifford*, Mr. *James Mould*, and Mr. *Hugh C. E. Childers*, a Member of the House, were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 15*th July* 1867.

MEMBERS PRESENT.

Mr. HEADLAM in the Chair.

Lord Hotham.	Mr. Lanyon.
Lord John Manners.	Mr. Baillie Cochrane.
Mr. Tite.	Mr. Cowper.
Mr. Darby Griffith.	Viscount Enfield.
Mr. Bazley.	

Mr. *Edward Barry*, further examined.

[Adjourned till Thursday next, at One o'clock

Thursday, 18*th July* 1867.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Tite.	Mr. Hankey.
Mr. Darby Griffith.	Mr. Beresford Hope.
Mr. Bazley.	Lord John Manners.
Viscount Enfield.	

Mr. *Hankey* and Mr. *Bazley*, Members of the Committee, were severally examined.

Motion made, and Question, "That Mr. Barry be requested to make drawings of both of the two rough sketches by Mr. Bazley and Mr. Hankey, with his observations on both plans, and that Mr. Barry's drawings and observations be included in the Report of the Proceedings"—(The *Chairman*)—put, and *agreed to.*

[Adjourned till To-morrow, at Two o'clock.

Friday, 19*th July* 1867.

MEMBERS PRESENT:

Lord JOHN MANNERS in the Chair.

Lord Enfield.	Mr. Baillie Cochrane.
Mr. Lanyon.	Mr. Bazley.
Mr. Darby Griffith.	Sir Frederick Heygate.

Lord *Charles Russell*, Serjeant at Arms, and Lieutenant Colonel *Forester*, Assistant Serjeant at Arms, were severally examined.

Motion made, and Question, "That the Chief Commissioner of Works be requested to obtain, during the recess, plans and sections of the several Houses of Assembly and Chamber of Deputies, as undermentioned, viz.:

Paris.	Vienna.
Washington.	Florence.
Ottowa.	Brussels.
Berlin.	

That the said plans and sections be drawn to a scale of eight feet to an inch, showing the arrangement of seats and form of roof; together with a report as to the acoustic properties and convenience of the several chambers referred to"—(Mr. *Lanyon*)—put, and *agreed to.*

DRAFT REPORT, proposed by the Chairman, read the first and second time, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Tuesday, 2nd July 1867.

MEMBERS PRESENT:

Mr. Bazley.	Mr. Hankey.
Mr. Cowper.	Mr. Headlam.
Lord Elcho.	Sir Frederick Heygate.
Viscount Enfield.	Mr. Beresford Hope.
Mr. Darby Griffith.	Mr. Lanyon.

THE RIGHT HON. T. E. HEADLAM, IN THE CHAIR.

Mr. EDWARD M. BARRY, called in; and Examined.

1. *Chairman.*] THE plans you have produced represent the House exactly as it is at this present moment; is not that so?—They represent the House of Commons as it is.

2. There is first a plan of the ground floor, a plan of the principal floor, and a plan of the gallery floor, and these are all precisely as the House of Commons now exists, are they not?—Yes, they are.

3. The plan above that differs solely in the fact that the buildings which are intended to be made along Bridge-street have not been carried into effect?—Quite so.

4. We should be very glad of any information you could give to the Committee with reference to the instructions under which this House assumed its present form?—I have endeavoured to find out those instructions, but I have not succeeded, beyond finding the Report of the Committee that sat upon the subject in 1850.

5. You have not the plan of the original design, have you?—No, I have not the competition drawings; I have here the report upon them, and a little block-plan attached, which shows that the shape of the House then was different from what it is now.

6. Can you tell us what was the extent of the accommodation that was demanded previous to the time that the present House was built?—The conditions of competition provided for from 420 to 460 Members in the body of the House, and an adequate accommodation for the remainder in the galleries.

7. Then can you tell us how it came to pass that that number was not actually provided for?—I have always understood it was by the directions of the officials of the House; but I have no means of saying that for certain, for I can find no data.

8. When the House first came into this new building it was not in the shape that it is at this present moment, I believe?—Yes, the shape was the same substantially.

9. Was it the same length?—Yes.

10. Lord *Elcho.*] I thought you just said that the block-plan differed from your plans?—That is the competition plan; I understood the Right honourable Chairman to ask me whether the House, when it was first occupied, was the same as it is now.

11. *Chairman.*] The Committee had only to arrange the House within walls already built?—Yes, the effect of the Committee was to reduce the accommodation of the House.

12. But within the existing walls?—Yes.

13. How was it that before that, there was greater accommodation?—Because less was allowed to each individual; the allowance for each individual was taken from that in the old House, whereas, in the temporary House the allowance of room to each Member was larger, and when the Members came to the new House they complained that the accommodation was not sufficient.

14. And who was the architect who erected the temporary house?—Sir Robert Smirke, I think.

15. Could we get any evidence from him?—He is just dead; he gave evidence before a Committee in 1833, and various plans were laid before the Committee, and I have had them put in this form (*producing the same*).

16. That was before the fire, I believe?—Yes, that was before the fire; they were then talking of a new House of Commons, and these were the plans which were laid before the Committee. I have no doubt I shall find Sir Robert Smirke's among them.

17. Did your father send in any?—No (*after searching amongst the Plans*), Sir Robert Smirke does not seem to have sent one. Sir Robert Smirke recommended an allowance of two feet for each member, and three feet four inches from the front to the back of the seat.

18. Do you think that there was a greater number of benches then than there are now?—Yes;

Mr. *E. M. Barry.*
2 July 1867.

Mr. *E. M. Barry.*

2 July 1867.

Yes; the effect of the Committee was to take away a seat from each side.

19. Mr. *Beresford Hope.*] Was it narrower on the floor?—Yes, they were closer on the floor and smaller seats.

20. *Chairman.*] That probably accounts for the difference between the accommodation of 318 Members as upon this plan, and the extent of accommodation which exists at present?—It would account for a difference of 58.

21. Supposing there were 20 inches for each Member and six benches, that would not be very different in accommodation from 19 inches and five benches; at present there are 19 inches for each Member, and only five rows of seats?—Nineteen and a-quarter inches.

22. According to this plan, which seems to have been submitted to the Committee in 1850, it appears that 20 inches were allowed for each Member?—Does it say so there?

23. Yes?—I suppose that was so; in some cases there may be 20 inches or more; now the average is 19¼ inches.

24. Mr. *Beresford Hope.*] Would the difference be that the woodwork of the seats was taken in?—There would be some little clerical difference of that kind.

25. Were you familiar with the arrangements of the temporary house?—Yes, moderately so.

26. Do you remember that a great deal of accommodation was given there by the mountain of seats that rose behind the Sergeant-at-Arms' seat?—Yes.

27. And there was also a considerable elbow-room at the Speaker's end?—Yes; I do not remember that so well.

28. And the Peers' seats were at the top of the mountain?—Yes.

29. Do you think that, by taking away the woodwork at the entrance, something of the kind might be done to the present House?—I could not go into that without consideration.

30. You had not gone into that question?—I may say that I was waiting, rather, for instructions as to what was intended to be done.

31. *Chairman.*] You have no further information from your office of the growth, if I may so express it, of the present House of Commons?—No, I have not.

32. Lord *Elcho.*] Have you got the original block-plan that you spoke of?—It is in the original Parliamentary Report, showing the House to be nearly a square.

33. As intended?—Yes, as intended; you will see that it is 55 feet long by 52 feet (*handing the Report to the Committee*); and, in the description of the plan, this appears: "That the form of the House of Commons be an oblong, nearly approaching to a square."

34. Does your father, in his description, give any calculation as to the number of Members that could be accommodated on the floor?—He does not say so here.

35. Perhaps you will read his description?—It was in accordance, I presume, with the instructions which he had received, or else that would have been noticed by the Report of the Commissioners; he was instructed to provide for from 420 to 460 Members.

36. *Chairman.*] Can you give the Committee the precise dimensions of the present House?—It is 68 feet long.

37. And what breadth?—Forty-four feet 8 inches.

38. Is that inside the wall, or from wall to wall?—It is on the floor of the House from wall to wall.

39. Then, what is the height?—Forty-four feet.

40. To what point?—To the centre of the ceiling.

41. And what is it to the commencement of the roof at the sides?—I could give you that in a moment; but I have not got the figures here.

42. Mr. *Hankey.*] Is 68 feet the length of the House, including the Speaker's and strangers' galleries?—No, it is the length of the floor, the chamber area

43. Mr. *Cowper.*] From the two entrance doors to both ends of the House?—It is a little more than that, because the entrance doors advance beyond the back seat; it is from the back of that back seat.

44. Mr. *Beresford Hope.*] What is the length of the whole chamber from wall to wall?—I will give that more accurately directly.

45. Mr. *Cowper.*] But surely the entrance door is not in advance of any seats, is it?—It is in advance of one seat; you will see it upon this plan; that is the door, and, then there is a seat behind under the gallery (*explaining the same to the Committee*).

46. *Chairman.*] Will you give me the dimensions and the construction of the House that was ordered?—No dimensions were given, that was left to the architect; but I believe it was intimated that the length should not differ greatly from the width.

47. And what was to determine the width?—The amount of accommodation, I suppose.

48. Lord *Elcho.*] I see that the first resolution of the Committee of 1835 is, "That the length of the present House is inconveniently great as compared with its breadth, and that in the House to be constructed such defect should be avoided, and that the length ought not greatly to differ from the breadth"?—Yes, quite so.

49. Do you know whether the present House, as it now is, not as shown in the block-plan contained in this report of your father's, as originally designed, is shorter than the House to which this refers?—I do not know. I could only see on the block-plan that the House is shown nearly in a square.

50. You do not know what was the length of the House which was complained of in this first resolution?—That was the temporary House.

51. Mr. *Hankey.*] We have got the number of feet now stated?—It is 84 feet 6 inches.

52. Mr. *Beresford Hope.*] What stands over the present strangers' lobby, the lobby just at the entrance to the House; is there any apartment over it on the next floor?—No.

53. I am talking of the lobby outside the House, where the Parliamentary agents stand?—There is nothing over that but the ventilating place.

54. Then, if necessary, it is only a matter of expense throwing all that space into the House and making the strangers' gallery, or anything you please, over that?—Quite so.

55. With reference to your father's plans, do you mean that you cannot lay hands upon them?—I have no copies of the competition plans; I suppose the Government has them all.

56. You have no private memoranda or sketches?—That is why I was so anxious to get the evidence before the Committee of 1850, because

cause all these questions were then asked and answered by himself.

57. Is there anything at the Board of Works?—I do not think there is.

58. Mr. *Cowper.*] When was that door removed which went into the division lobbies from the centre gangway?—In 1850; in consequence of the Report of 1850.

59. *Chairman.*] Will you be so kind as to give the Committee information with respect to the present House; the House is constructed, I think, within four main walls?—Yes.

60. And exterior to those are the walls of the lobbies; now would it be a very difficult matter to take down the walls of the House itself?—Difficult in what sense?

61. Are these the walls that support the roof, or are there other walls that support the roof?—The side walls of the House carry the roof.

62. Are they perforated in any way?—They have windows in them.

63. But below them are there flues?—The flues are not important.

64. They could be perforated in any direction?—I should not like to say that off-hand; it would require some consultation as regards ventilation.

65. Several honourable Members have suggested that the walls of the existing House should be taken down, and that the walls of the new House to be substituted for it should be raised upon the walls of the lobby; can you see, at this moment, any very great practical difficulty in carrying that into execution?—I do not think you could raise them upon these walls, because they would not be strong enough.

66. Are you of opinion that it would involve a complete rebuilding of the whole?—I think so.

67. Then, with respect to the walls at the Speaker's end of the building, could the wall now behind the Speaker's chair, in any way be taken down, and the wall behind, that of the Speaker's lobby, remain the main wall of the building?—Yes.

68. Mr. *Beresford Hope.*] That merely bears the galleries above?—It has other arrangements, but it does not carry the roof, except to a slight extent.

69. *Chairman.*] The difficulty would be much less in taking down that wall than the difficulty of taking down the side walls of the House?—Undoubtedly.

70. With reference to the south wall; the wall at the entrance to the House?—You mean, whether the wall between the House and the lobby could be removed?

71. Yes?—Undoubtedly.

72. The wall behind the Speaker and the wall behind the Serjeant-at-Arms could each be removed with much greater ease than the walls at the side of the House?—Clearly.

73. The House can be increased in length much more easily than in breadth?—I think so.

74. If it were desirable there would be no mechanical difficulty in giving more than one entrance to the House?—Certainly not.

75. So that Members might, if it were thought right, have an opportunity of going to and from the House without going through any public place?—Certainly; they can do so now if they enter at the back of the Speaker's chair.

76. Lord *Elcho.*] I suppose the wall which supports the ladies' gallery, and which is called the north wall, could be taken down; but if it was not desired to take it down, it could be pierced and the gallery supported on pillars?—I should suppose so.

77. There would be no constructive difficulty?—I see none at the present moment.

78. And architecturally it might not be disadvantageous?—I should not like to give an opinion upon that without considering it.

79–80. Mr. *Hankey.*] I think you stated that the length of what we call the floor of the House is 68 feet?—Yes, 68 feet.

81. But the length of the roof is 80 feet?—Eighty-four feet six inches, I think, was the figure I gave.

82. The width of the House is 44 feet, and the width of the House including the lobbies is 80 feet?—I could answer that in one moment; it is about 80 feet.

83. If the present sides, externally, of the lobbies were taken down and run into the adjoining courts, and the actual House itself were of the same dimensions that it is now, including the lobbies, the House itself could be made 80 feet wide by 84 feet long, could it not?—Yes, subject to some small difference in consequence of the thickness of the walls.

84. But that would be about it; it could be made so if that course was determined upon?—Yes, clearly.

85. And are you of opinion that there would be any great difficulty in doing that, otherwise than connected with expense?—I think it would interfere with the courts; it requires some careful consideration upon that point.

86. Was not it proposed, upon a late occasion, to carry out the refreshment-room in the way that I proposed just now, by carrying it out into the court-yard?—To a small extent it was.

87. Do you think that there would be any great objection to carrying out the present lobbies into the courts on the right and left on each side of the House to the same extent as the lobbies now are?—I do not think there is any insuperable difficulty.

88. *Chairman.*] Would it not be, practically, to build a new House; to substitute for the existing House one of which the breadth should extend to the walls of the two lobbies?—That would be so, certainly.

89. Then if we are to build a new House, the whole question will be opened as to the size, and shape, and form; and there is no particular advantage in building it of the precise width of the two external walls of the lobbies?—Certainly not.

90. Mr. *Cowper.*] Supposing that the plan were adopted, of either removing entirely or piercing the wall behind the Speaker's chair, would you calculate how many seats might be added to the House by that method?—I think about 100 seats would be gained by that arrangement.

91. And would you see any difficulty in removing back the Speaker's chair to a corresponding distance?—Certainly not.

92. Do you think you could make an arrangement by which the rooms which are now at the back of the Speaker's chair might be changed from their present use, and be employed as part of the division lobby?—Certainly.

93. Mr. *Beresford Hope.*] Are you of opinion that it is desirable to have a corridor round the House?—Certainly.

Mr. *E. M. Barry.*

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94. Mr. *Cowper.*] Have you any suggestions of your own to make to meet the objects of the Committee?—I have not at present, because I rather wish for instructions as to what the Committee consider desirable.

95. Lord *Elcho.*] I suppose, in all the plans that have been considered for the House of Commons, it has been thought desirable to get as much sitting space on the floor as possible, in preference to seating Members in galleries?—Certainly.

96. Mr. *Hankey.*] I think you gave us the dimensions of the present floor of the House as 44 feet wide by 68 feet long?—Yes.

97. That gives in round numbers 3,000 superficial feet?—Yes.

98. Supposing that the House were enlarged to the outer walls of the present lobbies, it would then be, in round numbers, 80 feet by 84 feet?—Yes, quite so.

99. Eighty-four feet by 80 would be 6,720 superficial feet?—Six thousand seven hundred and twenty.

100. There being somewhat under 672 Members, you would give 10 feet of space for every Member?—Yes.

101. Subject to the arrangement about placing?—Yes.

102. As the present House of Commons is about 44 feet high, it would give 400 cubic feet of air for every Member?—Yes, it would, allowing for the shape of the ceiling, which is not level throughout.

103. But supposing that to be arranged, that would give sitting room on the floor for every Member of the House?—No doubt.

104. Mr. *Beresford Hope.*] What is the width of the House across the floor from seat to seat, between the Members' seats?—About 8 feet. There was an extra bench that was taken out to make more room; they were 3 feet apart, and that would give you 2 feet 6 inches.

105. What is the width of the sitting part, the actual seat, the width of the cushion?—I should think 1 foot 9 inches.

106. Is that a good average seat?—That is a comfortable seat, I think.

107. Mr. *Bazley.*] You include the inclination of the back, do you not?—Yes.

108. The actual seat is not much more than 15 inches?—Probably not, allowing for the slope.

109. Mr. *Beresford Hope.*] They are wider seats than they were in the temporary House, are they not?—I think they are.

110. Would it be easy merely to recess those seats into the division lobby, and to make a seat in the thickness of the wall?—That would do away with the thickness of the wall.

111. But carrying it from here to there (*pointing to the Plan*), like *sedilia* in short?—Almost anything is possible, but I am not sure it would be desirable.

Mr. Thomas Bazley, a Member of the House, Examined.

Mr. *T. Bazley.* M.P.

112. *Chairman.*] I think you have paid some attention to the means of giving increased accommodation within the House of Commons?—Yes, I have.

113. Will you be so good as to favour us with the nature of your views upon the subject?—I will. This is a section of the House as it now is (*producing a Sketch*), with the side lobbies, the division lobbies, the upstairs lobbies, the Speaker's chair, and the five benches on each side. The House is susceptible of alteration by opening out the upper lobbies above the division lobbies by breaking in the wall under the window. By putting a series of arches or Gothic columns, the upper lobbies would be open to the House, and it would be quite possible to put a series of benches agreeing with the benches below in the upper lobby. The effect would be very similar to that which you see in churches sometimes; a clerestory under the upper galleries, and this would give accommodation for 200 additional members; so that the House would contain 600 members; and I believe the cost of that would be much less than the cost of any other alteration which they could make in the House, and for that cost we should gain the greatest amount of accommodation. But in my opinion the most desirable plan is to begin with an extension of the width of the House. This section (*producing another Sketch*) represents the House from the benches on each side to the Speaker's chair, the present side lobbies having been included in the width of the House. The width of the House would then be upwards of 30 feet more than at the present time. I cannot speak precisely as to the measurement, not having submitted my plan to a scale of any kind. This would entail the necessity of a new roof, but it would make an exceedingly commodious House; the benches would all be upon the main floor and there would be 10 benches on each side of the Speaker's chair; in round numbers, the benches would contain 30 seats each, so that we should have 300 seats on each side of the Speaker's chair, allowing 600 Members to the House. There would require to be built side lobbies for the division lobbies on each side of the House. Of course the present upper lobbies would, as in the present case, go above the new lobbies. We should have to begin with a perfectly new foundation about 13 feet beyond the present foundation walls of the House; that would be about one side of the House (*pointing to the large Plan*), and that would be about the other, forming, as nearly as possible, a square area. I must state, in fairness and candour, that our friend Mr. Hankey has suggested precisely the same plan as this which I am now describing. I believe it would be a very healthy House; it would afford a great supply of fresh air, and there would be no interruption to the progress of sound; I believe its acoustic properties would be as satisfactory as in the nature of things we could expect. The ground plan would be this (*producing a Sketch*); there would be no essential change whatever in the arrangement of the House; the Speaker's chair would be in the same situation, but it might be desirable to raise it one or two feet, to give the Speaker more control over the countenances of the Members. Then, with regard to the benches on each side of the Speaker's chair, there might be curved terminations, or they might be carried square through, according to the wishes of the Committee; the strangers' gallery could be made wider; the Speaker's under gallery could be widened in the same ratio; and the reporters' gallery could also be

be widened in the same manner. The effect would be to produce a new House, excepting so far as the old floor would be useful in being widened on each side; I do not think that anything could be more convenient or more comprehensive, and I think architecturally (although that is a question for Mr. Barry) nothing could be made so excellent and efficient as such an arrangement as this. I would suggest that every Member of the Committee should offer some sketch or some idea of his own; and I would in conclusion just remark that, having had my own extensive manufacturing works, where I was in business some years ago, and I had the largest concern in Lancashire, chiefly constructed under my own personal direction, I am not speaking without some experience; I offer that merely as an explanation of having presumed to think of what would be convenient for the House; but I think it would be most desirable that the House should be made really effective, and that it should be rendered as healthy as possible, for the breathing of the Members of the House. I followed the figures of Mr. Hankey, and he is quite right in saying that every Member would have 400 feet of air to breathe in.

114. *Chairman.*] I am sure I may say on behalf of the Committee generally, that we are very much obliged to you for your sketches. I think I am right in understanding your scheme, that it would be the substitution of a new House, nearly square, upon the site of the present House?—Precisely.

115. That it would be made by constructing new walls about the width of the external sides of the two lobbies, and placing a new roof upon those walls?—Yes.

116. And making the height not very materially different from the existing height?—Possibly the height might be increased on account of the great width, the same relative proportions being maintained.

117. You consider that a square of that kind, if we were rebuilding the House of Commons, would be the most convenient shape?—Yes, I do. I think that any alteration that we could submit the present House to, would be only the means of subjecting us to disagreeable criticisms from men of taste and strangers.

118. This would be practically a new House?—It would be an expanded House, a widened House; it is by no means an uncommon thing to do.

119. I understood Mr. Barry to state that the walls of the present lobby are not strong enough for the new House, and that it would be necessary to build new walls upon a new foundation?—I am very much of Mr. Barry's opinion upon the point, but I think it would be quite possible for the whole of the stonework to be dressed, and the whole of the woodwork to be repaired after the Session terminated, in the course of the recess, and to reconstruct the House in an improved form for the occupation of the Members in the succeeding Session.

120. Do you think if there were as many as ten rows of benches, the Members in the back rows would be able practically to hear or take any part in the proceedings in the House?—Certainly.

121. The Members in the back rows would be, I think, as far from the Speaker as the Members are at the end of the House at the present moment?—Yes, as regards the present arrangement

I consider that the wooden columns of the side galleries are exceedingly objectionable. I think they detract rather from the effect of seeing and hearing; and being removed, I think we should have altogether a cleared House and a much more convenient House.

Mr. *T. Bazley*, M.P. 2 July 1867.

122. Where would you put the Speaker's chair?—Where it is now.

123. And where would you put the benches for the Ministers for the transaction of business?—Precisely where they are now.

124. How would the back rows be affected?—There would only be the elongation of the side galleries where the pillars come.

125. Is it not the case now that the back rows at the far end of the House are unavailable for any purpose?—That is very true, and the pillars of which I have spoken are very inconvenient obstacles, and the little gallery above is exceedingly disagreeable. I think there could be no advantage in the retention of the side galleries; they are better out of the way.

126. But even with respect to these rows which are not under the galleries, but which are at the end of the House, are they not out of the reach of all hearing and taking part in the business?—No, I think not; sound radiates equally in every direction. We have the same means of conveying sound to the two sides as we have in front.

127. Is it not the case that Members coming down to take seats do not put any particular value upon the seats at the far end of the House?—Perhaps so; but I see a great number of gentlemen who never make any attempt to get higher up in the House.

128. Mr. *Beresford Hope.*] But they do not book their seats at a quarter to four?—Very rarely.

129. Has it struck you how far those seats which you propose would be within the eye of the Speaker or Chairman, so that he shall be able to keep order?—I have considered that.

130. Lord *Elcho.*] Your plan with regard to these benches is founded very much upon the principle of churches with galleries?—Very much. I take the church plan as an illustration of the clerestory.

131. The persons in the galleries can see the pulpit?—Yes.

132. Your pulpit is the Speaker's chair?—Yes.

133. In churches the speaking is all from the pulpit?—Yes.

134. In our House, though the Speaker is called the Speaker, there is no speaking from the chair; it is all from other parts of the House?—That is so.

135. Do you think it desirable that the spectators should see the Member who is speaking?—I do; I realise your Lordship's observation, that the House of Commons is like a church and unlike a church, because instead of the preacher preaching to us, we talk to the Speaker.

136. By your arrangement, would it not be the case that Members sitting on the second bench, certainly on the third, would not see a single speaker on his own side of the House, and not all of those on the other?—I only submit this as an expedient; I have already stated that I much prefer the more expanded plan.

137. But, in reality, that is so, is it not?—That is so; but at the same time there is that objection at the present time, because your Lordship often speaks from a front bench, but you cannot

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see those behind you; perhaps the inconvenience would be slightly greater.

138. Those above could not see those speaking below?—Very few on their own side.

139. A man on the third bench in the gallery could see none, I think?—Perhaps he might see one or two speakers.

140. The line of sight from the gallery would strike on the opposite side?—Perhaps it might.

141. Mr. *Lanyon.*] You would find from the section that the greater number of the Members in the gallery would not see one-third of the Members in the House; consequently, if they cannot see them, I scarcely think they could hear them?—By the contemplated alterations, if it were possible to adopt them, the gallery would be lowered about two feet in front; the wall is of such a thickness that it would permit one bench to be placed in the thickness of the House, and we could go one step lower in the House for one front bench to protrude.

142. I would suggest that Mr. Barry should enlarge his section, and I think, when you see the section, you would see the difficulties in doing that?—I am perfectly aware of the difficulties; it is only suggested as an expedient which would relatively not be expensive.

143. Lord *Elcho.*] You are of opinion that it would be desirable to get the accommodation on the level of the floor of the House as much as possible?—Yes.

144. It would be desirable on the grounds of convenience, and on the ground that Members would prefer it greatly?—Certainly a great country like this ought not to stint a few thousands to give greater accommodation for the House of Commons.

Mr. Edward M. Barry, re-called; and further Examined.

Mr. *E. M. Barry.*

145. *Chairman.*] You have heard the nature of the scheme suggested by Mr. Bazley; could you give us your impression of a scheme involving side galleries?—I think there would be very great difficulty in so arranging the side galleries as to enable Members to see and hear; and then, again, considering that you are to have 10 rows on each side, each seat would have to rise considerably above the seat before it, in order to enable a sitter to see the Speaker, and still more so to see the Member speaking.

146. Mr. *Bazley.*] Therefore the inclined plane of the upper gallery being at a different angle to the inclined plane of the lower gallery would not have a good effect. If the upper gallery were extended the true form would be to lie parallel with the lower gallery?—It is a question of feet and inches, and I should require some little time before I could see it in all its bearings. If you take the galleries of a church they are so arranged, generally, that the sitters will see the pulpit, or the head of the speaker at least; he very often cannot see the pulpit though he may see the head of the preacher, who is raised up to a considerable height, much higher than the Speaker is in the House; so, if you lower the Speaker, or if you consider the Speaker to be lowered, you must raise the inclination of the seats in proportion.

147. Inasmuch as these two lines are not parallel, the architectural effect would be bad?—It would be a makeshift arrangement.

148. Mr. *Hankey.*] You think it would be very like a makeshift arrangement?—Yes.

149. Do you think the other suggestion of the honourable Member for Manchester, if practicable, would be a desirable arrangement for the House?—The other suggestion is really building a new House.

150. But still, as far as the entrance corresponding with the entrance to the House of Lords is concerned, in that line the centre of the House would be the same?—Yes.

151. Mr. *Bazley.*] The north and south ends would be undisturbed?—You would keep the two walls.

152. Lord *Elcho* (to Mr. *Bazley*).] Do you want to have the division lobbies outside as they are now?—(Mr. *Bazley.*) Precisely.

153. Mr. *Beresford Hope* (to Mr. *Barry*).] What is the width of the court outside the division lobby?—The court is 37 feet wide.

154. And what is the width of the division lobby?—Fourteen feet.

155. Throwing that into the court would leave a court of 23 feet?—Yes.

156. Lord *Elcho.*] As regards the architectural effect of the court it would entirely alter it, would it not?—Yes.

157. Mr. *Beresford Hope.*] You could carry the division lobbies over cloisters?—The ground floor is so carried now, but the arches have been built up for the sake of the accommodation given.

158. *Chairman.*] Do you think it would be possible to build a new House upon the existing site in the interval between one Session and the following one?—I think not.

159. It would necessarily involve, for one Session at least, the necessity of finding accommodation elsewhere?—I should think so.

160. Mr. *Cowper.*] Would you tell me the dimensions of the House of Lords?—It is 85 feet by 45.

161. Is that the extreme dimensions?—That is the extreme dimensions on the floor.

162. From wall to wall?—From wall to wall.

163. Mr. *Beresford Hope.*] Taking the whole area of the House of Commons, exclusive of the division lobbies, but inclusive of the main walls, such as you see them in the House itself, namely, the window walls in the House and the ladies' gallery walls, what is the difference of area between the House of Lords and the House of Commons; you may as well give us the length and breadth, and also the area taking the real architectural chamber, not as it is fitted up; I only want to test the question of whether the two Houses as buildings and not as fitted up are very different in size?—The House of Commons within the four main walls is 82 feet by 45, and that gives an area of 3,690 feet.

164. *Chairman.*] The House of Lords is 90 feet by 45?—It is 92 feet by 45, and that gives an area of 4,140 feet.

165. Mr. *Beresford Hope.*] You are not aware why the two Houses were made of a different size?—I do not know that.

166. Was it an accident of the site, or was your father instructed to do it by the authorities, or

or was it his own calculation of the site?—I cannot say.

167. Your father's general idea was to make the two Houses match each other?—I understand so.

168. Lord *Elcho.*] You have stated, in answer to a question I put to you a short time ago, that by trenching upon the space at present occupied by the quadrangle between the lobby and the room, the architectural effect of the quadrangle would be destroyed?—It would be altered.

169. Do you think, in an architectural point of view, it is very desirable to retain the quadrangles as they are?—Not necessarily so, if there is no objection about light and air to the various rooms.

170. You are not of opinion that these quadrangles present an important feature in the building?—I think not, as regards those now under consideration. Mr. *E. M. Barry.*

171. Mr. *Beresford Hope.*] What was the object of making the division lobbies of that width; was it your father's own plan?—I cannot tell. 2 July 1867.

172. Lord *Elcho.*] The quadrangle by the Victoria Tower is a very important feature of the building, is it not?—If you had asked me about that quadrangle, I should have given a different answer.

173. I suppose, as a rule, you would consider galleries in the House of Commons better adapted for spectators than for actors?—Certainly.

174. So that the persons who come there to witness the debates would be as well seated there, and perhaps better than they would be in the body of the House?—Except for communication with Members.

Mr. Ross, called in; and Examined.

175. You are, I believe, the Director or Manager of the Reporting Department of the "Times" newspaper?—I am. Mr. *Ross.*

176. You have had a considerable experience of the reporters' gallery in the House of Commons?—Yes, for 47 years.

177. Have you any suggestions to make to the Committee about it?—I think from the few words which I have heard, my suggestion is anticipated. This matter attracted some attention about 10 or 12 years ago, and Mr. Alderman Laurie took some interest in the matter, and he came to me and asked me for my opinion. There was then the same difficulty experienced of hearing in the House. I pointed out to him that the reason why Members at the lower part of the House could not hear was that, owing to the form of the House not being circular, they, in the first place, had to turn on one side to see or hear the principal speakers on the Ministerial or the Opposition front bench; and if those speakers did not address their observations straight down the House, but over the way across the Table, the Members at the lower part could not hear them. Under those circumstances, the Members thus situated naturally became listless, and then began to converse with each other, and that created a greater hum than prevailed before, so that at last it was impossible to hear the Member speaking: and, then, apathy and listlessness gave place to impatience and active interruption. I suggested that the benches below the gangway should be curved; and the Board of Works of that day (I think it was Lord John Manners) put up a sort of framework, to show how this would act. The late Sir Charles Barry was there, and the Speaker, and Lord John Manners, and Mr. Alderman Laurie, and myself. The matter was explained, and it seemed to be admitted that the alteration suggested would be useful. It would tend to prevent loud talking at the lower part of the House. The Members would be able to hear; and when a man hears he is interested and silent.

178. Will you look at the sketch before you, and observe the position in which the two tables, the one for the ministerial bench, the other for the opposition bench, are placed?—But this is a new model of the House.

179. In that plan you have two tables, one on each side, so that the Leader of the House sits in the centre of the House, on one side, and the Leader of the Opposition sits in the centre of the House on the other side; so, instead of having one square table in the middle, there are two small tables to allow the gangway to go between them; do you think that the transaction of business in the middle of the House would enable a greater number of the members to take part in the proceedings?—No doubt it would enable them to hear better.

180. Of course, if they heard better they would take more part in the proceedings?—It would enable them to hear better, beyond all doubt, than in the present form of the House.

181. Would it not increase the number of seats that would be considered available by members?—I am incapable of judging of that. You will not increase the number of sittings, I think

182. But would it not increase the number of seats from which Members could hear and take part in the proceedings?—They could hear better. You must all experience, when you are sitting in the House, that it is a painful thing to be obliged to stretch forward to see and hear a Member speaking at the Table.

183. As far as I understand, your idea is that the seats should be in a circular form; and secondly, you agree that the business should be transacted in the middle of the House?—Certainly. In the old House the benches ran diagonally at each end, with straight seats in the middle; I am speaking of the old House of Commons that was burnt down; the seats here run diagonally, so *(pointing to the Plan).* The form of the old House brought the Members well together; it was more compact; the seats slanted at the end and were straight in the centre, and you heard admirably in the old House of Commons; but there is no difficulty in hearing in this: I think it is an excellent House for hearing. When the Members are all silent, listening to an important speech, one might, to use a common phrase, almost hear a pin drop.

184. Do you think that the noise arises from the fact that Members in the House do not hear what is going on?—They cannot hear unless the Member speaking is addressing himself to them. Speakers generally, such as Mr. Disraeli and Mr. Gladstone, will address themselves (Mr. Disraeli particularly) to Members on the opposite

Mr. *Ross.*

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site side below the gangway; and when I have had occasion to speak to Members, I have always suggested that they should address themselves to the Members on the opposite side below the gangway, because then the House hears them, and attention and silence prevail.

185. Mr. *Beresford Hope.*] Has it ever struck you that you hear better in the reporters' gallery than Members hear in the House?—I have had no experience of that.

186. I have often experienced that in the ladies' gallery, I have heard better than I have heard in the House?—That is a matter of experience.

187. That point has never been brought before you?—No.

188. It struck me very much that, in the ladies' gallery, you hear very clearly what goes on in the body of the House?—No doubt.

189. Comparing the present House with the temporary House, in which could you hear best?—I think you hear as well in this House as in that.

190. I think in the old House, before the fire, the reporters sat at the Serjeant-at-Arms' end in the strangers' gallery?—Yes.

191-2. Do you consider that you hear better from being moved to the Speaker's end?—We hear better than in the old House, because the accommodation is much better.

193. And you are nearer the Treasury Bench?—As a general rule I think you could hear best when in that quarter of the House to which a Speaker directs his observations, and most of the members on the Treasury and front Opposition benches speak towards the lower part of the House.

194. Of course, when we are going into the re-arrangement of the House, we should like to know how to deal with these matters?—Even now, I think that if it were possible to maintain perfect silence in the reporters' gallery, as well as in the body of the House, everything could be heard.

195. Should you look forward with apprehension to its being thrown further back?—If it were thrown further back it might create some difficulty; but, until one tests it by experience, it is impossible to speak with any precision upon the subject.

196. Mr. *Hankey.*] If you were to begin *de novo*, would you think that the reporters' gallery would be better to be behind the Speaker's gallery, or where the present gallery is?—If the House were made larger, I should think behind the clock would be the best place.

197. Do you think it of any advantage for the reporters to be with their faces to the Speaker's chair, rather than behind the Speaker's chair?—I think it would be better if they had their faces to the Speaker's chair, but at the same time one hears with perfect distinctness as it is.

198. When the House is quiet, you mean?—When the House is not quiet and a gentleman in a low tone of voice speaks across the Table, and does not care whether he is heard or not, then you do not hear distinctly.

199. At the present moment the floor of the House being perfectly inadequate to accommodate much above one-half of the whole House, whenever Members are coming in to hear the proceedings, a great many must be either standing about or sitting very uncomfortably; if every Member were accommodated with a seat, do you not think that would tend to promote quite and better order in the House?—Doubtless it would. At the same time the disorder, if I may use the term, that arises from the present want of accommodation has no influence at all upon our hearing; if the gentlemen standing at the bar are very noisy, it may prevent the Members sitting near the bar from hearing.

200. Mr. *Cowper.*] Have you had experience of the House of Lords reporters' gallery?—Yes, I have.

201. And are you of opinion that the reporters' gallery is the part of the House where the hearing is best?—I cannot, of course, speak from experience as to the body of the House; but the hearing is not good in the gallery of the House of Lords; it is not a good chamber for hearing.

202. If the reporters' gallery were placed in the House of Commons in a position similar to that which it is in the House of Lords, would not the reporters be within reach of all conversation which is apt to occur at the bar?—Very likely.

203. Therefore you think it safer to keep the present position?—Yes, I think you hear everything; I think if they lowered the roof of the House of Lords it might be as good as the House of Commons. The House of Commons was worse than the House of Lords before the roof was lowered.

204. Sir *Frederick Heygate.*] Have you ever tried the Speaker's gallery in the House of Lords?—Yes.

205. Could you compare the hearing with that where the reporters are?—The reporters' gallery appears to me better; perhaps that is because I am familiar with the one and a stranger to the other.

206. Lord *Elcho.*] The reporters' gallery in the House of Commons is now at the comparatively quiet end of the House?—Yes.

207. And therefore, if you were transferred to the noisy end of the House, you will be at a disadvantage?—Yes, and it would also be among the strangers.

208. Is the accommodation for reporters at present all you could desire?—I think so.

209. That is to say, that part of the House where they take down the debates?—Yes.

210. Are the retiring rooms satisfactory?—I think so.

211. I have heard they want ventilation very much, and that at night it is like an oven?—Yes, they do require ventilation.

212. Is it the fact that at night they are unpleasantly, I might say injuriously, hot?—They are very hot occasionally; but if reporters, generally, had experienced the want of accommodation which formerly prevailed, they would feel that they had good reason to be satisfied with what they now enjoy.

213. But you do not complain of the accommodation now?—I do not; the room behind does require ventilation, and I think ventilation might easily be given; it is close to the outer air.

214. You are speaking of the back rooms, not of the gallery?—Inside there is rather too much ventilation; you have all the winds of heaven blowing around you.

Friday, 12th July 1867.

MEMBERS PRESENT:

Mr. Bazley.
Mr. Cardwell.
Mr. Cowper.
Mr. Baillie Cochrane.
Viscount Enfield.
Mr. Darby Griffith.
Sir Frederick Heygate.
Mr. Beresford Hope.
Mr. Hankey.
Mr. Lanyon.
Lord John Manners.

The Right Honourable T. E. HEADLAM, in the Chair.

Mr. George Ward Hunt, a Member of the House, called in; and Examined.

Mr. *George Ward Hunt*, M. P.
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215. *Chairman.*] I think you moved an instruction in the House of Commons to this Committee, did you not?—Yes, I did; it was in these words:—"That it be an instruction to the Select Committee on the House of Commons (Arrangements) that they have power to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties; and also to consider how better accommodation can be provided within the precincts of the House for the transaction of departmental business during the sittings of the House by Members holding offices in the Government."

216. Will you be so good as to give us your suggestions as to how those arrangements may be carried out?—I will go through my suggestions in order, if you will allow me. I think every Member of the House is aware of the very great inconvenience there is on coming into the House in getting a vote paper. At present you have to cross the lobby, and then you have to go through a very narrow passage into a very small room to get your vote paper; the place being confined, there are frequent collisions between Members coming in and going out, and many other inconveniences. I think it would be a very great convenience to Members if they could get their vote papers on their way up to the House without going to any particular room for that purpose. I have alternative suggestions to make; one is, that the policeman's room at the entrance to the washing room might be used as a room for the distribution of the vote papers. In going to the washing room there is a small room to the right, occupied by some person in charge of the police; I think that would be a very convenient place for the purpose, and I would propose, if the Committee thought it right to adopt that suggestion, that instead of going into the passage, there should be a sort of hatch made, so that the Members could pick up their papers at the hatch window without going into the room at all. I have no doubt that the police inspector could be accommodated somewhere else. If that plan was not adopted I would make another suggestion, and that depends upon a still further change. I think every one will admit that the newspaper-room is very inconvenient; it is a great deal too narrow, and is as bad a room as could be found for the purpose; and supposing any other place were found for the purpose of a newspaper room, part of that room might be turned into a vote paper office with the same kind of arrangement that I have suggested with regard to the policeman's room. Then with reference to the obtaining of bills: it frequently happens that several orders are postponed, and we get to some bill that is low down in the list, and members being anxious to get a copy of the bill, there is rather an unseemly rush to the vote office to get it. Now, I think an arrangement might be made which would enable the members to get the bills inside the House. The present vote office is situated immediately behind one of the stairs leading up into the gallery, and I believe that a similar hatch might be made there, so that members could get copies of bills through it, without going out of the House at all. I think that could be done by simply cutting a window through, and I think that would be a great relief with regard to obtaining copies of Bills in a hurry, and also we should avoid being stopped, as we frequently are, by persons who want to speak to us about things which we are not very much interested in, and who frequently delay us considerably. Now, with regard to the newspaper room, I understand that an arrangement has been proposed for making an entire change in respect to the dining accommodation, and that accommodation shall be provided jointly for both Houses, in either the tea room or the conference room. I have not gone into that question at all; but suppose that be done, and the present dining-room is given up, I would suggest that the outer half of the dining-room be turned into a newspaper-room. I think that would be a room with free access; it would be very much like a coffee-room at a good hotel. Then, I think we all find a very great inconvenience in not being able to get out at the back of the Speaker's chair to the library. In going to the library the same thing occurs that I have mentioned before; one always has to run the gauntlet of all the persons who are in attendance in the lobby, and sometimes there is a great difficulty in getting through. I would suggest that the door at the back of the Speaker's chair should be open for the passage of Members to the library.

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There is, I know, a difficulty suggested, namely, that there ought only to be one door to the House, but I do not think that that difficulty is insurmountable. I propose that an officer should be stationed there to lock that door when the first division bell rings, so that Members should not have ingress and egress at that door after a division is called; I think that would entirely do away with the inconvenience which has been felt with respect to having two means of egress from the House. Then I think that every Member of the House who has been in office (and probably most of those who have not) will be aware of the very great inconvenience that is felt by any officials who have departmental business to transact. I think that, with the present pressure upon Members of the Government, it is quite impossible that they can transact their departmental business unless some part of it is performed during the sitting of the House. At present you have the choice of two things: one is to go into the library, and the other is to sit in the lobby. If you sit in the lobby, you incommode persons wishing to write letters; you take up a much greater space than can be afforded, as your boxes and papers occupy the room of two or three persons; and if you should happen to be engaged in doing something which requires all the thought and attention you can give to it, the chances are that somebody comes up and speaks to you about something which has nothing to do with the matter in hand. Then, perhaps, a division is called, and you have to leave all your papers lying about. I believe that you can leave them about with perfect confidence, but still a highly sensitive person might object to leaving his papers lying about in that way. If you go to the library, you are not within reach, supposing you are wanted; an instance of that happened yesterday: I wanted to transact some business with some of my subordinates, and went to a room in the neighbourhood of the library; in the meantime a question arose about some business in which I was concerned, and in my absence I found that an arrangement had been made which I think was rather inconvenient, and which resulted solely from my not being within reach. Sometimes one has to go on working at one's departmental business, up to the very moment when one's Bill is called on; there is not time to summon one from the library, and unless the House is willing to wait two or three minutes, the order is postponed, and I think that is inconvenient. The Solicitor General's room now is in the House of Lords; he has a small room out of one of the passages of the House of Lords. The other day some legal question arose in which his advice was wanted for the House; he had to be sent for, and his attendance could not be procured in time, as the House was unwilling to wait till he came. I think it is evident that that is a thing which really requires some alteration. Then, to provide for that, I would make a suggestion: I think that every member who has charge of a department ought to have a room to transact his business in, in the immediate neighbourhood of the House, as far as possible, and I think that might be provided for in this way: there are several rooms now behind the Speaker's chair, opening into that corridor which runs from the back of the Speaker's chair to the Speaker's secretary's room, where the officials of the House are accommodated. I think those rooms might be given up to Members of the Government, and that accommodation might be provided for those officials in the inner half of the present dining-room. That half of the dining-room, I think, would cut up into four or five rooms. If you take the part within the bar, you would find it would make four rooms. There would be a window to each, and it will be very easy to have two fireplaces in the space where there is now one; it would be very easy to have four altogether, by turning the flues into the shaft. Supposing you turn the bar into a room, that would make five rooms. It would be a question whether you should turn the bar into the newspaper-room, or make it a room for some official. I do not think that that point is of much consequence.

217. Mr. *Cardwell.*] Would it not suit your purpose if there were one large room for Members of the Government instead of several little ones?—I think that would be a great improvement upon the present arrangement; but I do not think that it would be so advantageous as several small rooms. One frequently has occasion to call in the advice of some person in one's department with whom one wishes to confer. If you had a large room, and each Member of the Government was in conference with some person from his office, I think that would not be so convenient as if each had a separate room. Wherever you could get a large room, I think you would be able to get a number of small rooms, but I think that a number of small rooms would be a more convenient arrangement. Then I should like to say a word with reference to the accommodation for the gentlemen who are commonly called the "whips." At present there is a room for the Patronage Secretary to the Treasury, but the gentleman who fills a similar position on the opposition side, has only a sort of cupboard at present. It is perfectly well known that he has to see a great number of persons, and I think that he ought to be provided with a suitable room. As it is now, you will see knots of men collected round him in the lobby interfering with the circulation of the Members, and sometimes it is not a very convenient place to hold the conversations in which he is desirous of holding; but I think that supposing we get rid of the vote papers from the Bill Office, and the person in charge of the Vote Office is able to deliver Bills through a window hatch into the House, means would be obtained for finding a sufficiently good room for the gentleman who occupies that position.

218. *Chairman.*] I understood you to state that every Member having charge of a department should be supplied with a room; that would amount to a considerable number of rooms?—I say, as far as possible, that would be desirable. There are a certain number of departments to which it is more essential to have such a room than it is in the case of others.

219. Both the Attorney General and the Solicitor General require rooms?—I think both the Attorney General and the Solicitor General would require a room. Perhaps the same room might do for both the Attorney General and the Solicitor General.

220. But it would be better if they had separate rooms, would it not?—Yes; but I should say that there is a room wanted for the Home Secretary, and one for the Colonial Secretary in the House of Commons. Then, I think, the Chancellor of the Exchequer ought to have a

room.

room. At all events, the leader of the House ought to have a room, and I think the Secretary of the Treasury ought to have a room.

221. At present there is a retiring room behind the Speaker's chair for the Ministers; would it be necessary to keep that up, if there were separate rooms for the Departments?—It would not be so necessary. I think it would be desirable still to have two rooms like those we have at present; but, of course, that would depend upon what arrangements you make with respect to the accommodation of the officials. Supposing the leader of the House and the leader of the Opposition had rooms, they might serve the purpose which the present rooms now serve; but I think it would be inconvenient to do away with that accommodation altogether.

222. Lord *John Manners.*] As I understand, you have appropriated the whole of what is now the dining-room to small rooms and newspaper-rooms?—Yes.

223. Then, how would you provide accommodation for the tea-room, as, under your suggestion, it is to be taken up for a dining-room?—I have not taken up the dining-room case, as I understand that that has been considered elsewhere; but I would say generally, that I should see no objection to tea being served in the same room as the dining-room. I do not see any necessity for having a separate room for a tea-room, as one end of the dining-room might be used for that purpose, supposing it is large enough. I do not know quite what amount of accommodation is proposed to be provided, but I see no reason why it should not be done in the same way as is done in a club. You can go into the coffee-room of your club, and get dinner or tea as you want it, but the number of Members who go into the tea-room at one time is, I think, very small; I have never seen above seven or eight in it.

224. Mr. *Hankey.*] Is not the room adjoining the washing-room practically used now by the law officers of the Crown for their papers?—Yes, there are two rooms. The outer room is used by the police; it is a very small room. The first door leads into the room occupied by the police, and the second into the room used by the Attorney General.

225. You only alluded to one room?—I only alluded to one room, because I only wanted to appropriate one. Of course the Attorney General's room might be used by the police, or some other person. I only want to provide means to supply Members with a copy of the papers of the day.

226. Mr. *Baillie Cochrane.*] You would have to pass through the lobby if you wanted to get a vote paper?—I suggested that there might be a hatch window in some part of the House for a Vote Office, where Members could get Bills, and of course they could also get vote papers there.

227. Mr. *Cowper.*] Is not the size of the room occupied by the inspector of police, too small for giving out Bills as well as notice papers?—It would not be too small if you took in the Attorney General's room too, but I do not suggest that Bills should be given out there. If you wish to do that you would have to incorporate the Attorney General's room.

228. Do you not think it important that Bills should be accessible in the same place as notice papers, as Members frequently wish to have Bills at the same moment that they are asking for notice papers?—Yes; and you might provide for that by having two Bill offices, one there and one in the present Vote Office; but the practice of Members is generally only to take vote papers. If they took their vote papers up there, they would get their Bills in the House.

229. Might not they also get their notice papers in the House, at the same place as that at which they get their Bills?—Yes.

230. And that would be quite as convenient as stopping on their way up-stairs, would it not?—No, I think not. A great many Members come to the House at the same time. If they could all pick off the papers from a file, there would be no difficulty in it.

231. Mr. *Beresford Hope.*] Would there be any difficulty in having two or three copies of the Bills upon the table of the House, so that the Members could help themselves?—That arrangement would be serviceable for persons immediately near the table, but I do not think that it would be so for the House generally.

232. Mr. *Hankey.*] Are not Members of the Government now obliged to use the upper lobbies for their writing; the Secretary of the Treasury (perhaps you may not do so), but other Members of the Government use a part of the lobby up-stairs to write in, do they not?—Yes.

233. Is that a convenient arrangement?—It is done to a certain extent. I do not think that it is very convenient. First of all, boxes have to be carried up and down stairs, and the bulk of papers is sometimes very considerable. I do not think it would be so convenient as having their boxes sent to a room devoted to the Government.

234. It would be very convenient for you to have a room where your boxes and papers could be always accessible to the House, would it not?—I should have said, unless things had gone on so long as they have without it, that it was perfectly essential.

235. Mr. *Baillie Cochrane.*] How many rooms do you think there ought to be?—There ought to be one for the Home Secretary, and one for the Colonial or Under Secretary, and one for the Attorney and Solicitor General, or a room that would accommodate both. I think they would want a room for the First Lord of the Admiralty or the Secretary—an Admiralty room—and I think that a room would be wanted for the Vice President of the Council.

236. Mr. *Cowper.*] Supposing these private rooms for Members of the Government could be got out of the lobby which is behind the Speaker's chair, would not that be a much more convenient arrangement than taking them from the present tea room?—Yes, that was my suggestion; that the rooms at the back of the Speaker's chair should be appropriated in this way for Members of the Government, and then I propose that the officials displaced should be accommodated in one half of the present dining-room.

237. I do not understand you to contemplate taking rooms both out of the present dining-room, and also from behind the Speaker's chair?—I thought that all the accommodation which is now got by the officials of the House, the clerk and clerk's assistant and so on, might be obtained by dividing the inner part of the present dining-room, and that would leave this room free for Members of the Government.

238. Mr. *Lanyon.*] I think there is accommodation which might be obtained by the rooms on the right-hand side of the lobby, as you go up between

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between the dining-room and the Speaker's chair, so that you would get three or four new rooms, and you would be able to light the lobby?—I do not know whether that would interfere with the light of the present dining-room.

239. No, very little indeed?—Then, to show you how very convenient an arrangement might be made, there might be a certain number of bells on the modern principle which would ring into each room, so that you could press a particular spring, and call the particular Member of the Government who was wanted.

240. Sir *Frederick Heygate.*] Do you not think that Members of the Government would be much more away than they now are?—They are obliged to be away now upon matters of business, and they have to go upstairs or to the library to transact their business.

241. Mr. *Cardwell.*] Would not you be favourable to the House sitting more in the morning, and less at night?—I have no doubt it would be exceedingly convenient for the Members of the House in general; but I think it would be found impossible for the officials to get through their departmental business; I think it will be observed that on Wednesday there is seldon more than one Cabinet Minister present.

242. But the arrangements you have mentioned would fall in with such a view, would it not?—No doubt it would, to a certain extent, but then there are a great number of persons who come to see Members of the Government in the morning, and whom it would not be convenient to see down in the House. I think you would find if you sat in the morning, and you had all the principal Members of the Government down at the House, that you would have a great influx of people wanting to see them, and you would find that that would rather disturb the arrangements of the House. Moreover, it would be very difficult to get Committee business transacted properly, if the House were to sit frequently in the morning. With regard to Committees on public matters, many of the most distinguished Members of the House would, in my opinion, decline to serve on them, if they were thereby debarred from taking part in public business, which would be the case, to a great extent, if the House and such Committees were sitting at the same time.

243. Mr. *Beresford Hope.*] With respect to the present rooms, is there any absolute need for a newspaper-room; could not the library be turned into a newspaper-room?—I do not think there is too much accommodation in the library at present. Sometimes it is exceedingly difficult to find a seat there; if you want to confer with a person in the library, it is very often exceedingly difficult to find any place vacant, and I doubt whether that would not be a worse arrangement than the present.

244. Do you see any means of making the communication between private Members and the public more ready than it is at present; sometimes a Member is wanted, and not being seen, he loses his appointment, which may be of importance; do you see any means of remedying that?—I do not see how that could be done, except that the doorkeeper might have a slate or table upon which he could put down the names of Members who were wanted. At present there is not much difficulty. A person wanting to see a Member sends in a card, and he gets an interview with him.

245. Mr. *Hankey.*] There are many times during which, though it is essential for the Secretary to the Treasury to be within call, he may not be actually wanted within the House for several hours?—He may not be, but it is difficult to say when one may be wanted; sometimes one is wanted all of a sudden.

246. Practically, that is the case very often, is it not?—It is impossible to say when he will be wanted; sometimes one is there for five or six hours, waiting the whole time, not knowing whether one may or may not be called upon immediately.

247. But if you had a room for the transaction of official business in the immediate vicinity of the House, you would be able to get on with a great deal of business which must now otherwise either be neglected or postponed?—Certainly.

248. And, in your opinion, that would tend to the public convenience, and also be of great convenience to the Secretary of the Treasury?—Certainly it would.

249. Mr. *Bazley.*] Possibly, tubular communication to the various rooms might be convenient, so that you could speak to Members in the various rooms without having the trouble of going backwards and forwards?—Yes; I think that might be convenient. I think that a sort of call-bell would suffice. I was, I think, asked to enumerate the Members of the Government who would require separate rooms. I do not know whether I have gone through all the list of Members who would require them, and therefore I would wish not to be supposed to exclude anybody I have not mentioned. I have confined myself hitherto to the points which I had in view when I framed the instruction to this Committee. I do not know whether the Committee will allow me to say anything about the general arrangements of the House.

250. *Chairman.*] We shall be happy to hear any suggestions you may have to make?—Then, with regard to providing additional seats, supposing you wanted to add to the House, and provide seats for Members independently of any re-arrangement of sittings; I think that might be done by moving the Speaker's chair back, so as to bring it just to the archway leading to those two conference rooms, and that then the lobby might be cut away through what is now occupied by those small closets on each side, taking those two conference rooms into the lobby. I am not acquainted with the structural arrangements of the House, but I believe that you would not have to cut through any main wall in order to do that; that however, is a matter which I am not competent to speak to, but the lobby on each side might run past the bay window, cutting through the closet accommodation there, and be continued by the cross lobby which would appropriate those two conference rooms. I think you would have exactly the same apartment which you have at present, only that you would get a certain number of feet back; if you did that, that would destroy the reporters' gallery. I think that, supposing you were to adopt that plan, the reporters' gallery might be made where the ladies are now accommodated, and I think it might be possible to accommodate the ladies behind the Members' galleries on one side.

251. The lobbies are up-stairs?—Of course, I am not competent to give any detail with respect to this, but I think it is possible that if you provided accommodation for the ladies behind one of the present

present Members' galleries, you might get access to that gallery from the other side. Of course it would take that accommodation away which the Members now have behind the present galleries.

252. The effect of that alteration would be to make the House several feet longer, would it not? —It would.

253. Do you think that there would be any inconvenience arising from the increased length of the House?—No, I do not think there would be, because I think that all those who wanted to address the House would move upwards, more towards the centre. At present you very seldom find Members addressing the House from the extreme ends.

254. Mr. *Cardwell.*] Is not there extreme difficulty in making an ordinary voice fill the present House?—I do not think there is any physical difficulty. I think that all those who pay attention to the means of making themselves heard are able to do so.

255. Do you remember the House in which we sat before we came to the present House?—I do not remember it, as a Member of the House.

256. You have been in it, I presume?—I have been in it.

257. Are you not aware that it was very preferable indeed, in regard to acoustics, to the building in which we are at present?—It is very difficult to say whether adding to the size would diminish the power of hearing, so much depends upon the construction. I can conceive a House twice the size of the present House, in which the voice might be audible.

258. *Chairman.*] Is it not the case that in the present House the available seats for hearing and taking part in the business are only those within a limited distance of the table?—Yes; it is, to a certain extent; but, then, it must be remembered that there are a great number of Members who never wish to address the House, and others only rarely. If they did desire to address the House, they would get a part of the House where they would be heard. At present I think that the debates are conducted in too conversational a tone, and that most honourable Members, if they would take the trouble to elevate their voices and to articulate distinctly, could be heard better than they are.

259. Mr. *Beresford Hope.*] Do you not think that, if the reporters used the present ladies' gallery, instead of being able to lean over as they now are, they would be inconveniently caged in?—The suggestion was that they should occupy the space in which the ladies' gallery now stands; but not, of course, without alteration.

260. Do you know that the screen in front of the ladies' gallery is upon the main support of the building?—I am not aware of that.

261. *Chairman.*] Do you think that, if the seats of the leading Members of the Government and the leading Members of the Opposition were in the middle of the House, that would increase the number of seats available for hearing and taking part in the proceedings?—I think so, considerably; and as the principal part of the business of the House is conducted by the leading Members of the Government and of the Opposition, the number of Members who would be able to hear would be increased by that means; the difficulty of hearing would not be so great.

262. Is it not the case that in the competition for seats which now takes place, Members are rather seeking for places where they can catch the Speaker's eye, than for places where they can both hear and see?—There is a great struggle made for corner seats, or seats near the corners, by Members who wish to address the House, under the impression that they can catch the Speaker's eye there more readily. In this Session there has been the greatest difficulty to get seats at all; I have stood for hours this Session utterly unable to get a seat. This has happened almost every evening for a long time, that having to answer questions, I have been obliged to stand behind the Speaker's chair till the questions have been asked.

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263. Mr. *Cowper.*] Is not that due to the smallness of the Treasury bench?—Not only that, but I have not been able to get a seat immediately behind it.

264. *Chairman.*] You state that there is a necessity to increase the actual sitting accommodation as well as to increase the seats available for hearing and taking part in the proceedings?—I think so; there is a tendency I think to attend more regularly at the House than there was; I think I have never seen so many Members attend in any session as have attended this session; no doubt that full attendance is due partly to the interest that is felt in the discussions upon the Reform Bill; but even on other days I think the attendance has been much greater than it has in the average of years that I have been in the House.

265. Mr. *Hankey.*] Do you not think that the smallness of the front Treasury bench is a positive inconvenience to public business?—Yes; no doubt it is.

266. Is it not the case that you, as Secretary to the Treasury, when you come backwards and forwards to the House, are rarely able to get a seat?—It is rarely that I get a seat.

267. That is inconvenient to yourself and to business generally?—Yes; I frequently have to ask some Member of the Government, sometimes a Cabinet Minister, to allow me to take his place in order to answer questions.

268. Mr. *Cowper.*] During the present session, speeches have frequently been made from close to the bar; have you ever experienced any difficulty whatever in hearing those speeches?—I never found any difficulty.

269. So that you would not include the extremities of the House as places from which speeches cannot be made?—Certainly not; I think, as a rule, those who go to make speeches try to get near the Speaker, but I think that when speeches are made from the end of the House, the Member speaking is almost always audible, because he endeavours to make himself heard.

270. You are of opinion that the choice of places arises from a desire of getting within the range of the Speaker's eye, rather than from the difficulty of being heard at the extremities of the House?—I think so. I think you will observe that the difficulty Members find in making themselves heard does not arise so much from where they sit as from the way in which they speak. I do not remember at this moment any instance of a gentleman making a speech from near the bar not making himself heard. Those who are inaudible or have weak voices sit up much nearer to the Speaker.

271. *Chairman.*] Let us take the converse of that statement; you think that gentlemen speaking from the bar can be heard generally through the

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the House; but do you think that a gentleman sitting at the bar can hear what is taking place across the table?—No; but that is the fault of the speakers across the table.

272. Do you not think that Members sitting at the lower end of the House are very often ignorant of what is going on at the upper end of the House?—No doubt; but that is because the business is carried on in a conversational tone. As the criticisms for the most part come from across the table, Members on the Government benches, and gentlemen opposite them, get a notion that the persons sitting opposite to them are the only persons to whom they have to address themselves, and, consequently, they do not raise their voices sufficiently to enable those at the extremity of the House to hear them.

273. Mr. *Cardwell.*] Do you not think that it would be a great advantage if an ordinary voice at its ordinary pitch could be heard through the whole House?—It would.

274. And do you not think that inducing persons to speak in an unnatural tone is also likely to beget a habit of mind that men are to speak when they are on their legs in a way that they would not in conducting an ordinary piece of business?—I do not see that. Very often a Member of the House leans across the table, and looks at the person who is questioning him; whereas, if he would stand upright and answer as if he was answering the general body of the House, he would be very much more audible.

275. Lord *John Manners.*] Even in these committee-rooms have you not sometimes felt a difficulty in hearing, and have you not known witnesses called upon to "speak up"?—The difficulty in hearing sometimes arises from diffidence in the person speaking. Sometimes there is an uncomfortable feeling on the part of some persons that if they spoke loud they would be perhaps intruding themselves too much upon the House. I think modesty has too much to do with it. No doubt, the Committee will have observed that when a Member has been called upon to speak up he manages to make himself heard particularly; that hint is given him two or three times.

276. With respect to what has been suggested with reference to having the Government bench, and the chief Opposition bench, in the centre of the House, it is not at times very convenient, especially when the House is in Committee, that there should be constant communication between the Chairman of Committees and the Member in charge of the Bill, and with this proposed arrangement would not inconvenience arise from the necessity of the Member of the Government who might be in charge of the Bill constantly passing up to the Chairman of Committees and back again?—I think so; but that difficulty might be obviated by letting the Chairman sit at the head of the table in the centre instead of in his present position.

277. Mr. *Cowper.*] But would not that occasion the difficulty that those behind the Chairman could never catch his eye, and therefore you would be excluding a large portion of the assembly from an opportunity of speaking?—That is a very important point to consider, not only with reference to the Chairman, but also with reference to the Speaker. I think that the person presiding, whether Chairman or Speaker, ought to command the whole House. There would be that very great difficulty if the Chairman were at the head of the table.

278. *Chairman.*] You are of opinion that the Chairman and the Speaker ought to be able to command the whole House?—He should command the whole House; there is no doubt very great convenience in Committees generally, as well as in Committees of Supply, in the person who has charge of the Bill and the Votes being near the chair.

279. You think that the Speaker accordingly should be at one end of the House?—I think so.

280. Then of course the clerk should be near him?—Yes.

281. You have also stated that there are certain advantages incidental to the transaction of business being in the middle of the House?—I have.

282. These two things cannot co-exist together; now, taking the balance between the two, do you consider that it would be more convenient that the transaction of business should be in the centre of the House, although there would be that little inconvenience that we have mentioned, or are you in favour of the existing arrangements?—I should say that the two were not inconsistent with each other except as regards proceedings in Committees; I think the difference, as between the two, is between the proceedings in Committee and proceedings in the whole House. There is much greater inconvenience in having the business away from the Chairman's chair than from the Speaker's chair. I should say, then, that on the whole the balance of advantage would be in having the business table in the centre of the House.

283. Mr. *Beresford Hope.*] Does it strike you that if that was done, possibly those Members who are not the most strict partisans of either side, the independent portion of the House, would be compelled to take possession of that part of the House between the table and the Speaker's chair, while the Members of the Government would be really low down?—I think that what we may call the independent portion of the House would be divided between the two extremities. If the Treasury bench were at the table in the centre, their adherents would be immediately behind them.

284. Do you not think that in case of any considerable re-arrangement of the House, the idea of having cross benches, as they have in the House of Lords, would be a good suggestion?—I do not see any great advantages arising from cross benches.

285. Do you not think that, with the view of facilitating business, the standing orders might not be so far relaxed as to allow of two or three messengers on the floor of the House?—I think it would be a convenience; it is done in the House of Lords; messengers pass up and down with letters to the Peers. At all events, I think the messengers might come down the gangways to the head of each bench, even if they were not allowed to come up the floor of the House.

286. Mr. *Baillie Cochrane.*] Have you turned your attention to having the House re-arranged altogether, and put into a semicircular form, taking in the division lobbies, and so giving an enormous additional space, and by having the benches arranged in a semicircle, bringing every one nearer the chair?—I have heard of that.

287. So as to bring in an immense additional space for the general accommodation of the House, and every one would be nearer for hearing?—If it were done, I think there would be greater advantage in having the semicircular seats at the lower end of the House than at the upper.

Mr. JOHN PERCY, M.D., F.R.S., called in; and Examined.

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288. *Chairman.*] I THINK you have the control of the system of ventilation of the House of Commons, have you not?—I have.

289. For how many years have you had it?—For about three years, if I recollect rightly.

290. Have you any objections to make to the present system of ventilation?—No, I have not.

291. Do you consider the House to be thoroughly well ventilated at the present moment?—I do.

292. The floor of the House is perforated, is it not?—Yes, it is.

293. Do you consider that the perforation of the floor interferes with the acoustic properties of the House?—That is a question upon which I should not like to give any decided opinion, but it is a point which you have the power of testing. So far as my impression goes, I do not think it would have any effect upon the transmission of the voice.

294. Mr. *Bazley.*] Has the metallic floor any effect?—The metallic floor is covered with matting, and, as far as I know, it has no effect upon the transmission of the voice.

295. *Chairman.*] You do not think any of the complaints, with respect to the House not being well adapted for hearing, arise in any manner from the system of ventilation?—I think not.

296. If you were proceeding to make a new House of Commons, would you make the system of ventilation similar to that at present adopted?—I think it would be desirable to do so.

297. Would there be any difficulty in carrying ventilation to the part behind the Speaker's chair, supposing that were included in the House of Commons?—None whatever.

298. There is at present, I think, some apparatus immediately behind the Speaker's chair for the emission of the air into the House?—It rests on a part of the floor; the air goes up behind the chair as well as in front.

299. Supposing the Speaker's chair were put further back, would it interfere in any manner with the comfort of the Speaker?—Not so far as ventilation is concerned.

300. If there were any draughts at that place, there would be no difficulty in letting the air come in at another place?—None whatever.

301. Is the present table important to the ventilation of the House?—It is in no way connected with the ventilation.

302. Mr. *Bazley.*] Supposing the House to be considerably altered, enlarged and modified, would it be possible to put the warming and ventilation upon a better principle than the present?—I think that we have the temperature under perfect control in moderately cold weather.

303. You could adapt the present system to a very large house, could you not?—Perfectly well.

304. Mr. *Cardwell.*] Could you adapt it to a house which was smaller in its area, though, from the arrangement of its benches, holding a larger number of persons than the present House?—Certainly.

305. *Chairman.*] With respect to the ventilation of the reporters' gallery, the reporters' gallery being in the House is ventilated upon the same system as the rest of the House?—It is part of the general system.

306. Do you know that the rooms behind the reporters' gallery are badly ventilated?—No; there is a large quantity of air going through; they were badly ventilated, but arrangements have been made so that the ventilation is now very good. They are low, and look oppressive, and I should not like to be in them on that account; but there is a large amount of air passing through them.

307. From whence does the air get into the room; which part of the room does it come from?—There is no special arrangement for the supply of air, so that in that respect the rooms are similar to ordinary rooms of dwelling houses. It is difficult to explain these things off-hand, but would you allow me to suggest that an actual inspection would enable you to understand these details much better than I could possibly describe them.

308. Mr. *Lanyon.*] Do you think that emitting the air through the floor is a good plan?—I see no objection to it.

309. Do you not think that it fills the air with dust?—Decidedly not; I will tell you why I think so; you are aware that the floor is covered with netting. If a Member walks over that floor, supposing dust to be detached from his shoes, that dust consists of two parts, one part which passes through the floor and no longer affects the House (and there is not much of it in any case), and the other portion is so light as to float in the air. If there is a steady upward current of air through the House, the dust so floating will certainly be carried out of the House; of course it is impossible to avoid dust under any system, but if the floor of the House were covered with carpet so as to retain the dust, every time a Member passed over it the dust would be set in motion; I have watched it very carefully hour after hour to detect it if I possibly could, and I could give you the results of my observation.

310. Mr. *Bazley.*] But suppose that the dust that arises be carried away, would it not of necessity come in contact with the nostrils of the Members of the House?—There is always dust in all air, and that would be the same under any system; it is not visible under ordinary circumstances, but as soon as you admit a ray of light that dust becomes visible.

311. Mr. *Darby Griffiths.*] But this amount of dust would be in addition to what we may call the normal amount of dust, would it not?—No; I think it would be the reverse; a portion of it goes through the floor at once.

312. But would not the other portion floating in the air be in addition to what you would say ordinarily floats in the air?—I assume a steady upward current in the House, and I say that the dust floating in the House is carried out by it.

313. Mr. *Bazley.*] Do you find a considerable deposit of dust in the House?—No; a very small amount.

314. Lord *John Manners.*] Has the official under you a room now near the House to which he can retire?—No; not immediately near the House; there was one, but we gave it up a short time ago.

315. Do you think it of importance that he should have an apartment?—Not particularly important.

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316. Mr. *Beresford Hope.*] Supposing that the public lobby of the House were to be thrown into the House, would there be much difficulty in providing for the chamber which you now have over that lobby?—No; there is a chamber under the lobby as it is, and we could use that.

317. Mr. *Darby Griffiths.*] Would not your method of testing the condition of the air be by the temperature?—No; the temperature is nothing, unless you take it in connection with the rapidity of the air. In summer weather you prefer the most rapid circulation of the air, whereas in very cold weather a man cannot bear the slightest movement of the air.

318. But there may be a vitiation of the air exclusive of any consideration of temperature; air may be either more or less vitiated irrespective of the temperature?—Quite so.

319. Have you any means of ascertaining that vitiation?—Not practically; but we could, by elaborate chemical experiments, ascertain the amount of organic impurities floating in the air.

320. Therefore the state of the temperature cannot be taken to represent a complete analysis of the state of the air?—Certainly not.

321. *Chairman.*] Have you anything further which you wish to state to the Committee?—There is a report upon the American House of Representatives which might possibly interest the Committee (*handing the same to the Right honourable Chairman*).

322. Mr. *Cowper.*] Have you heard any opinion expressed, upon the ventilation of the House of Commons, by foreigners?—Yes: I had an American engineer Mr. Briggs, who had constructed the appartaus for warming and ventilating the Capitol at Washington over here, about two years ago, and he seemed to be pretty well satisfied with it. I may say there is every kind of ventilation here in operation. You may see every problem in the act of solution. The House represents, practically, almost everything connected with ventilation.

323. Sir *Frederick Heygate.*] Where does the supply of cold air come from?—From the two courts; the Star Court and the Commons' Court. It was designed originally to supply the air from a great height; namely, from the clock tower and the Victoria tower; but it was not found, by experience, that that air was so pure as the air from below.

324. Was not it a complaint that a strong smell of tar, or of anything that was going on by the side of the river, was drawn into the House?—To a certain extent that is so. Sometimes we have had a smell from the gas-works since I have been here. Occasionally we are obliged to take great care with regard to the kitchens, which are on the opposite side of the court. If they have the upper part of their windows open, then, under certain directions of the air, the smell comes immediately into the House.

325. By what means do you prevent that?—By making them close the windows.

326. You could not purify the air?—The purification of the air could not be managed.

327. But supposing the river to smell very badly, have you any means of stopping that?—Not any effective means. I do not say it could not possibly be done, but I know of no effective means of doing it. It might be sent through roughly powdered charcoal, and then it would be deprived of its organic matters.

328. Mr. *Cowper.*] What extent of sieves do you pass the air through to remove the grosser particles?—The whole of it passes through the sieves.

329. That is to intercept any particles of soot or dust which there may be?—That was the intention of it, but I do not know that it is very operative in that respect. It is impossible to take the dust out of the air. It is a great problem, not only with regard to ventilation, but also with regard to certain metallurgical processes. It is very desirable to condense the metallic particles which are floating in the air; they are exceedingly minute, and that has been tried, but it cannot be done completely.

330. Sir *Frederick Heygate.*] Have you had greater difficulty in ventilating the House this session in consequence of the greater attendance of Members?—I have been obliged to send more air through the House. We have the means of determining the quantity of air passing through by ascertaining the velocity of the air at the outlets; you get upwards of 2,500,000 cubic feet per hour supplied.

331. Have you had difficulties to contend with in supplying that quantity?—The difficulty we have to contend with is that which occurs in hot weather, because the system upon which the ventilation is conducted now, is that upon which it is conducted in collieries; namely, exhaustion by means of a hot shaft; in hot weather it is difficult to carry that out satisfactorily, owing to the shortness of our shafts, and for that reason I think it would be desirable to have the accessory means of drawing out the air by exhausting fans.

332. Mr. *Lanyon.*] Have you any means of exhausting the air in that manner now?—No; there were fans which were used for propulsion.

333. I think that would be a most desirable thing if air could be supplied in that manner?—Yes; the supply of air by propulsion is a question which has excited great attention in France and America, and in this country also; I think all persons who have really devoted much attention to that subject, have come to the conclusion that the method by exhaustion is the right one; it is impossible to get the air along narrow and tortuous courses for any distance. All our smoke shafts are too small, and hence we have frequent complaints of smoky chimneys; the only remedy for that is to increase the height of them, and to keep good fires burning in them.

334. Sir *Frederick Heygate.*] What is the average temperature at which you keep the House?—According to the Speaker's directions, 62°; we cannot reduce it in summer time below 62°; personally I should prefer it 64°, and so would many Members.

335. Have you not reduced the temperature from what it was formerly?—No; I could produce a report of the temperature of the House every hour of every day for the last three years; some members prefer it warmer than others. I have known two Members sitting side by side, one complaining that it was too hot, and the other that it was too cold; the only way of counteracting the effect of temperature in summer time is by increasing the velocity of the current of air.

336. Mr. *Cowper.*] Of course there are variations in the temperature when the weather varies, or when the number of Members varies?—Considerable variations; but we have the power in winter time of keeping up the temperature to within

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within one or two degrees of a certain point; we have the power of immediately affecting the temperature by steam arrangements which are now in use.

337. So that practically the warmth of the House of Commons does not vary more than one or two degrees?—In cool weather not, but in hot weather we cannot keep down the temperature.

338. Mr. *Hankey.*] In hot weather the House is quite comfortable at five or six degrees higher than the point you have mentioned?—You have had it higher lately.

339. Still the House is quite comfortable?—That is for the honourable Members to judge. We have sent through the largest possible quantity of air.

340. But you are free from complaints if the temperature in the House is 66° or 67°, while the temperature out of doors is very high?—I do not remember any complaints on that head.

341. Mr. *Beresford Hope.*] Under your present scientific system of ventilation, does the opening or shutting of windows make much difference to the House?—Not much; but Members seem generally satisfied with it. I have met the difficulty in this way: when the windows are open in hot weather, we generally reverse the current of the air so as to get fresh air down among Members.

342. Your system is quite independent of the opening of the windows?—Yes; but the opening of the windows in hot weather is certainly not disadvantageous.

343. Mr. *Darby Griffith.*] Then you have got a down draught at present through the floor?—Yes; but you see no difference whatever in the dust in the air when the down draught is in operation.

Mr. George Clifford, called in; and Examined.

Mr. *G. Clifford.*

344. *Chairman.*] I believe you wish to give evidence before this Committee, with respect to the arrangements made for the reporters?—I am one of the members of a committee appointed by the reporters to represent to this Committee what they would like to have done for them. I am desired to say that the whole body of the reporters receive from the Members of the House every possible facility in the performance of their duties; yet, that the relations in which they stand to the officials of the House are rather those of a former period, and that the officials seem to be inspired by a sort of traditional antagonism to the reporters which does not exist at all between the House and the reporters. For that reason we should desire to be placed under the protection of the House rather than to remain, as we now are, under the direction of the Serjeant-at-Arms; and I could give the Committee some reasons why that should be done. One of the wants which Mr. Mould will mention to the Committee is that of a writing-room devoted expressly to the reporters. At present, under the favour of the Serjeant-at-Arms, I think it was at the representation of the late Commissioner of Works, we were allowed the use of Committee-room No. 18; and during the morning sittings when the House has been occupied with the consideration of the Reform Bill, we required that room of an afternoon in the same way as we require it at night, but for two weeks we were unable to get the use of that room. A very respectful appeal was made to the Serjeant at-Arms to allow us the use of that room during the morning sittings, but he would not permit us to use it, and a great number of our reporters had to transcribe their notes at the tables in the corridor. At one time Colonel Forrester came along, and was pointed out eight or ten gentlemen who were transcribing their notes upon those tables, and was told the reason, but he would not permit them to go into that Committee-room, and said that No. 18 should not be opened till a quarter to five. We asked Colonel Forrester what reason there was for that expulsion; he could give no reason, but referred us to the Serjeant-at-Arms. In the House of Lords we are allowed a room, which is at our disposal at all times; it is not a Committee-room of the House, and therefore we go into it as of right, and are not subject to the caprice of the officials in respect to it. We desire to be placed under the protection of the House, and we desire to have a room which shall be our writing-room; and, under any new arrangements which may be made in the House, we trust that the Committee will consider our representations.

345. I understand that you want a writing room?—We do.

346. In lieu of Committee-room No. 18?—No. 18 is an exceedingly good room, and if the Committee would give us that room, and fit it up as the room in the House of Lords is fitted up, we should be exceedingly grateful for such consideration. Then I should state that there is a desire on the part of many of the reporters, that the House should give us some facilities for carrying on our arduous duties; and that may be done in this way, by giving us copies of the Votes and Parliamentary Papers; we have no copies now to refer to, except possibly one or two, which the members of any particular staff may have. When Bills are before Committees of the House, we have no means of tracing the clauses, and consequently our duties are carried on under every possible disadvantage. We hope that the House will be kind enough to give us copies of the Votes and Papers and of the Blue Books, and also a few obvious books of reference, which we frequently require to turn to, such as a gazetteer and an atlas; places are mentioned in the course of the debates in all parts of the world, and we have no means of rectifying them or verifying them. We have no sort of facility afforded us except the bare use of the room, and it would be of great service to us if the House would give us a few books of reference. Some of our members go so far as to suggest that we should have a copy of the Delphin classics, as in the course of the debates many quotations are made, and it would be very often a great assistance to us to have them.

347. Mr. *Baillie Cochrane.*] You state that you would wish for copies of Blue Books?—We should wish for copies of the Blue Books and for copies of the Bills and Votes.

348. *Chairman.*] You do not say that you would require all the Blue Books, do you?—As they come out they might be put on shelves in our writing room.

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349. All the Blue Books, if put up, would require a very large space; in fact, it would become a second library of the House?—They would be exceedingly useful to us.

350. Mr. *Beresford Hope.*] Could not you file the Blue Books of the present Session?—They would be of great use to us.

351. And you might have a sort of claim upon the Librarian of the House for the use of the Blue Books of former years?—If we might go and ask the Assistant-Librarian for one or two copies it would be a great assistance to us.

352. *Chairman.*] You say you require the Bills which are brought in and all the notice papers?—Yes; the Bills are of the greatest importance. When the House is in Committee, it is with the utmost difficulty that we are enabled to follow the alterations which are made in the Bill.

353. Mr. *Baillie Cochrane.*] When a Member is quoting from Blue Books, the reporters generally send down to ask for them, do they not?—Yes; and I may say that we receive every facility from Members of the House, and we would very much rather that our position should be dealt with by the House than that we should be left to the mercy of that traditional antagonism which existed between the officials and the reporters.

354. *Chairman.*] Then, I believe, you wished to make some statement with respect to the refreshment room?—Yes; there again we desire to be placed under the protection of the House. We wish to be referred to the Kitchen Committee, and we wish our arrangements to be made as if we were officers of the House; and I think we might almost claim to stand in that position.

355. With reference to the ventilation of the rooms outside the gallery, do you agree with the evidence that Dr. Percy has given?—No, I do not agree with his evidence at all. I think Dr. Percy cannot have been in those rooms at 10 or 12 o'clock at night, when we feel the atmosphere is really pestiferous; but if, when the House is sitting, any Honourable Member will be good enough to come into our rooms and try it for himself, we should be saved all further discussion upon that point.

356. Will you suggest any plan by which that evil could be remedied?—I would rather leave that to the Committee. I think we should do much better to leave that to the Committee than to make any suggestions of our own, I trust that the Committee will wait for Mr. Mould's examination; he will show the necessity of the refreshment room being quite handy to the gallery. Men come out from the gallery with only five minutes to spare, and want to get a cup of tea or coffee, or something, and if we have to go down to the strangers' refreshment room we should be quite unable to get it. We wish to be placed under the Kitchen Committee, and to settle with them what would be a proper tariff for the accommodation of gentlemen of various incomes.

357. Mr. *Baillie Cochrane.*] In the former House of Commons there was a gallery at the end, was there not?—I have been in that House, but I do not remember the arrangements in it.

358. You do not know whether you can hear better in the present House than you could in the temporary House?—We heard everything in the temporary House. Members made themselves audible, indeed, with so little effort that the moment they came into Sir C. Barry's new House they condemned it, without taking into account the larger area, and the necessity of giving a higher pitch to the voice. The ceiling was lowered, our gallery was set forward, and we then heard very much better. With reference to the position of the reporters' gallery, I think Mr. Mould will tell you it is very desirable that we should not be placed near the strangers' gallery, as there is a continuous buzz of talking going on which would very much interfere with the performance of our duties. I have further some remarks to make with reference to the exclusiveness of our own gallery. It is not in any sense exclusive; the Serjeant-at-Arms has the power of issuing tickets to the reporters' gallery, which admit the editors and the leader writers and other people to the reporters' gallery, and on great nights the gallery is so excessively crowded that we cannot do our business there without great difficulty; and not only that, but those tickets are not confined to the press. We have seen in the reporters' gallery one or two election agents who have wished to hear the debates, and who have not been able to get into the strangers' gallery. They have got those tickets, and come and occupy the space which ought to belong exclusively to us. Some reporters, indeed, are unable to obtain admission at the proper time, and the others have to tumble about over each other's legs as they are sitting and lying in all positions in the gallery.

359. To whom are the orders given?—We think they are transferable, practically.

360. That the Serjeant-at-Arms gives them to an editor, who transfers them to somebody else; is not that the mode in which it is done?—No doubt; and I think it is an abuse if the editor gives it to the election agent.

361. That is the fault of the editor?—Yes; but it is an abuse against which some provision ought to be made.

362. Mr. *Beresford Hope.*] Then the gallery, perhaps, is hardly large enough for your purposes?—No, it is not, if editors and persons who do not come to report are to be admitted.

363. Can you readily see and identify Members from it?—Yes, tolerably well; but the suggestion that I have to make is, that the editors and leader writers should have a separate box for themselves, as is the case, I believe, in France and Belgium. It is necessary that they should be there to hear the debates, and they have as great a claim to be there as we have; but we think it would be very desirable that a box should be allotted to them, because they keep up a conversation with each other, which, to a certain extent, interrupts us in the discharge of our duties. If they had a box to themselves, we should have our gallery reserved to ourselves. They would be accommodated, and we should not be so much inconvenienced.

364. Their business being principally critical, so to speak?—Yes; and we know that there is always the temptation to men when they come together at such a time to exchange remarks.

365. *Chairman.*] Do those editors and leader-writers come into the front row?—No, they do not.

366. Mr. *Hankey.*] How many places are there there for the reporters now in the front row?—About 14, I think.

367. And to whom are they allotted, and by whom

whom is permission given to the reporters to come there?—Permission is given by the Serjeant-at-Arms.

368. Is it entirely at his discretion as to what newspapers he chooses to give that permission to?—Yes, entirely.

369. And are those places in the front row entirely confined to the newspaper reporters?—The front row is exclusively allotted to newspaper reporters.

370. I think Mr. Ross usually sits in one of those seats, does he not?—Yes, he does; perhaps I ought to have made a distinction in his case. Mr. Ross, who is the superintendent of the "Times" Parliamentary corps, has a seat allotted to him in the front row.

371. Although he is not a reporter?—He is not.

372. Is there any other seat appropriated to any other person who is not a reporter?—There are three or four writers of the summaries for the different papers, who have seats in the front row.

373. Are those 14 seats in the front row adequate for the wants of the daily papers?—I think they are. I am not instructed to make any representations upon that subject, and I would rather not say anything upon it.

374. Where do the gentlemen sit who are not reporters, but writers of leading articles and summaries?—On the back bench; there is only one row of seats in the front, and there is one narrow back bench, and of that the editors and leader writers take possession.

375. If there are only 13 or 14 of these places, there are more than 14 separate reports taken, are there not, for the papers published in England?—No, I think not; there are seven or eight daily papers, and one or two evening papers; I think the accommodation in front may be said to be sufficient; I have no instructions upon that subject.

376. Some of the reporters report for more than one newspaper, do they not?—No, I think not, practically.

377. Lord *John Manners.*] The "Herald" and the "Standard" would take one report?—Yes, they may be reckoned as one; there is one proprietary and one corps.

378. Mr. *Beresford Hope.*] If the House was enlarged and thrown back, and the reporters' gallery were put where the ladies' gallery now is, do you think you could hear as well as you can now?—I regard with very great distrust any enlargement of the House. I remember the House as it came from the hands of Sir Charles Barry; it was exceedingly beautiful and well proportioned, and I think now, and I thought then, that it was condemned rather too soon. Members did not endeavour to adapt themselves to the altered circumstances of the House; it was necessary to articulate a little more distinctly than before, and I think, if Members had taken a little more pains, they might have been heard throughout the whole House.

379. Were not then Wednesday sittings held almost gala days, when Members went in without trying to do the thing seriously?—Yes, there were.

380. In what respect did that House differ from the present House?—It was larger, longer, and loftier.

381. Mr. *Baillie Cochrane.*] And handsomer?—Very much handsomer; it was a very handsome building.

382. Mr. *Hankey.*] Is there any particular part of the House more than another from which Members speaking can be well heard in the reporters' gallery?—I think this may be said of the present House of Commons, that if a speaker will turn to the reporters' gallery, and speak with reasonable distinctness, he can be very well heard.

383. I think the evidence of Mr. Ross was, that it was the usual habit of Members speaking to address their voice to below the gangway on the opposite side from that on which they spoke; that was the evidence which, I think, he gave on the last occasion; do you concur in that?—That is very often done by Members, and it sometimes exposes us to great inconvenience, but not, I think, if they speak distinctly.

384. Do you think it would be desirable, then, that Members should address their observations principally to the reporters' gallery?—If you would allow me to answer that question with a little amplification, I would say that we represent the entire people of the country, and if 5,000 persons were behind us, there would be no impropriety in the speaker turning round to address them rather than the few gentlemen on his right or left.

385. *Chairman.*] Supposing a Member with a rather weak voice were speaking, from what part of the House would he be best heard by you?—Just below the gangway, where Mr. Bright speaks.

386. Mr. *Beresford Hope.*] And from the analogous bench on the other side?—Yes.

387. *Chairman.*] The Member speaking from that bench naturally turns towards you?—Yes; any one speaking from that bench naturally turns towards the Speaker and to us.

388. We have heard that there would be a great objection to increasing the size of the House; can you tell us what inconvenience would arise from increasing the size of the House?—I think the habit of conversational speaking has become so confirmed that there is hardly any hope of Members getting out of it; but if Members would practise elocution in their younger days, and would speak slowly and distinctly, the House might be enlarged to the size of the present House of Lords. I have had the honour on several occasions of being in the House of Lords when the Queen has been on the Throne, and I have heard Her Majesty read Her speech. The Queen finds the pitch of the House without any difficulty, and is heard in every part of the House, in the reporters' gallery as well as elsewhere; while many noble Lords who make complaints of not being reported, and not being heard, are much nearer to us. The difference is this, that the Queen articulates distinctly and speaks distinctly, and the consequence is she is heard distinctly.

389. Lord *John Manners.*] She commands the whole auditory which she is addressing?—Yes.

390. And have you not found it the same in the House of Commons, that when a gentleman speaks from near the bar and faces the reporters' gallery, you hear him distinctly and well?—Yes.

391. Therefore if in any re-arrangement of the House, a plan could be adopted which would secure a larger number of Members facing in one direction when they addressed the House, probably these complaints of not being heard would be in that proportion diminished?—The difficulty would be very much obviated.

392. *Chairman.*] What do you think would be

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be the effect of having the business of the House transacted in the middle?—I think we should be quite unable to hear what is being said, and therefore should not be able to discharge our duties so much to the satisfaction of the House and of the country as we do at present.

393. Why would that be?—It is of great importance to us to be over the table.

394. You say the place where Mr. Bright speaks is the best place for you to hear from; would not the table be in the best place, then, if it was where Mr. Bright speaks from?—No, because the business is done over the table; I think the nearer we are to the table the better it is for the House, and for the general transaction of business.

395. Mr. *Beresford Hope.*] Do you find that when a person speaks with average distinctness his voice sets well over the buzz of conversation, or is that a great impediment to you in hearing?—A great deal depends upon the pitch of the voice. A Member may so pitch his voice that the buzz of conversation is hardly noticed; but that is a matter of skill on the part of the Member speaking.

396. Mr. *Hankey.*] You were speaking just now of the way in which the Queen's speech was heard when read by herself. Would not the same remark apply to any speech made by Mr. Bright in the House of Commons; did you ever know an instance in which, when Mr. Bright spoke, he was not distinctly heard in every part of the House?—I never remember such an instance, but there may be two reasons for that: one may be that the House listens to Mr. Bright.

397. Mr. *Cowper.*] Your reference to Mr. Bright, I think, was not a reference to him personally, but to the bench where he is accustomed to sit?—It was.

398. And you state that Members, who have not remarkably powerful voices, are heard in the gallery when they speak from that bench?—They are.

399. Mr. *Darby Griffith.*] Does not it depend upon the silence of the House, or the buzz of conversation, whether a Member is heard or not. If the Queen is heard in the House of Lords, is it not more on account of the absolute silence which prevails at the moment?—There is a great deal in that.

400. Mr. *Hankey.*] You know the place usually occupied in the House by Lord Hotham, do you not?—I do.

401. Did you ever know a case in which Lord Hotham would not be distinctly heard in the reporters' gallery?—Never.

402. Every word that he said?—I would venture to say that every Member of this Committee would be heard from that bench if he took reasonable pains to speak distinctly.

403. Mr. *Beresford Hope.*] Can you hear when the Chairman puts the question?—Not very well.

404. Owing to his position?—From the position.

405. Sir. *Frederick Heygate.*] You stated that there was ample accommodation for members of the London press in the reporters' gallery?—Yes, there is, for reporters.

406. Are there any members of the staff of the provincial papers who write in the gallery?—I think occasionally, they come there by special permission of the Serjeant-at-Arms.

407. Have you ever heard any complaints about the insufficiency of accommodation for them?—I have heard a complaint now and then made, but it is thought that the reporters for the daily papers are able to furnish any reports that may be wanted; those gentlemen who are not on duty at the time are always ready to do that sort of thing.

408. Is there any place set apart for the reporters for the Irish press?—I am not aware that there is, but the Irish press is exceedingly well represented in the gallery; there are gentlemen there who have instruction to take notes of every thing relating to Ireland.

409. Mr. *Beresford Hope.*] Supposing a new paper were to start, would the staff of that paper find accommodation in the gallery?—No, I think not.

410. There was a paper called the "Day" which started a little time ago; had the staff of that paper accommodation in the galleries?—It had not a staff, but it had a staff in contemplation, and if it had asked for accommodation for them I do not think it would have been possible to give it; that points to the expansiveness of the reporters' gallery as an important question to be considered, in case of any re-arrangement of the House; there has been a great increase in the London press in the last few years, and it would be a great advantage if provision could be made for the expansion of the reporters' gallery, from time to time as might be needed.

411. Mr. *Hankey.*] The present arrangement gives the entire monopoly to the existing newspapers, and the privilege is conferred entirely at the will of the Serjeant-at-Arms?—Yes, permission to report in the gallery is certainly at the exclusive disposal of the Serjeant-at-Arms, and that is one point upon which we feel very strongly; we desire to be removed so far as is possible from the jurisdiction of the Serjeant-at-Arms.

412. Mr. *Beresford Hope.*] Do you feel any inconvenience on Thursday and Friday from the representatives of the weekly papers being anxious to be in the gallery?—Yes; many of them have tickets of admission on Thursday and Friday nights; and when leader-writers and editors and newspaper proprietors come into the gallery also, it is crowded to inconvenience; it is almost impossible to describe the inconvenience to the gentlemen who have important duties to perform in the gallery.

Mr. James Mould, called in; and Examined.

Mr. *J. Mould.*

413. *Chairman.*] You are a member of the Reporters' Committee, are you not?—I am.

414. To which paper are you attached?—I have been 26 years in the gallery on the staff of the "Standard" and "Morning Herald," and for the last eight years I have written the Parliamentary summary for the "Herald." I am one of the four or five gentlemen who have been referred to as occupying permanent seats in the front row of the gallery, and I manage the Parliamentary staff of the paper as well as write the summary.

415. Will you be so kind as to explain to the Committee the defects of the present accommodation

tion for the reporters?—To begin at the ante-room to the reporters' gallery, with which it runs parallel; that is a room of about 26 feet long, by 13 feet wide, and 9 feet to the ceiling. At each end of that room a partition has been raised which encloses a space of about 10 feet by 13 feet. Each of these rooms is lighted by what I call, for want of a better phrase, a concealed window; you do not see it unless you go close to the wall and look up. The window gives very little light, and unless it is opened there is very little air or none at all indeed; but if the windows in those two rooms happen to be open at the same time there is a thorough draught throughout these apartments. Covering the entrance to the gallery from the ante-room I have mentioned, there is a screen which occupies a space of about five feet six, by nine feet. That certainly acts to prevent in a great degree the foul air which is generated in the reporters' apartments (I call them rooms, but literally they are no more than passages) from finding its way into the House itself. On the other hand when the doors in this screen are opened, and they are constantly in motion, as there is only one access to the reporters' gallery, and that through a series of passages, the foul air from the reporters' apartments must be driven in great volume into the House. Perhaps that is corrected by the ventilating process of which we have heard to-day. The ante-room of which I have been speaking, and which contains what I have called a screen over the entrance to the gallery, is lighted, or at least a small portion of light is admitted by a two-mullioned window, which opens on an air shaft. That air shaft must be I think from 60 to 80 feet in height. The three rooms which are thus running parallel with the reporters' gallery are occupied generally by men who are engaged in writing their reports. There may, sometimes, be six, seven, or eight of them engaged in this occupation in each of the rooms at one time. The ceiling here being only nine feet in height, it follows that, as each of the rooms at the end of the ante-room has a superficies of 130 feet, the cubic dimensions of each do not exceed 1,170 feet. The ante-room and what we term the refreshment-room are united by a low, narrow passage. The refreshment-room opens upon the staircase leading to the end of the corridor in which the ladies' gallery is situated. The passage I refer to is 19 feet in length; the ceiling is about seven feet six inches in height, and the width of it is three feet nine inches. It conducts us into what we call the refreshment-room, which is a room nine feet nine inches in width, 22 feet in length, whilst the ceiling is eight feet six inches in height. This place is ventilated by a window which opens on an air shaft; and there is a small quantity of light admitted from a corner of the room where there is a small window opening on the courtyard, in which, I believe, what is known as the Ministerial-room is situated. In this refreshment-room, as it is termed, there are not only counters for refreshments, but all the kitchen operations are carried on there. It is, in short, a scullery as well as a kitchen and refreshment-room; and I need not say that, when some eight, ten, or more men are there at one time, and the operations I have described are carried on for six or eight hours successively, a large quantity of a highly carbonised atmosphere must be generated, which, when the doors are opened, must be drawn into the House. The room can only be ventilated by throwing open the windows I have described, and the Committee can easily conceive what, in a sanitary point of view, is likely to be the result to gentlemen who carry on their operations under these circumstances.

416. Mr. *Bazley.*] Sometimes you have as many as 30 gentlemen in the gallery, have you not?—In general we have as many as 30; but we do not complain of the House itself; that is the healthiest place you can go to; but we are poisoned in this black hole, as I term it,—the suite of apartments which is given to us as refreshment and writing rooms.

417. Mr. *Beresford Hope.*] Are your dinner arrangements under your own management?—No; they are under the control of a person who was appointed by the Serjeant-at-Arms; he is a respectable man of his class, but he was not selected for his antecedents, inasmuch as, I believe, he was taken from a boat-builder's yard.

418. He caters for you?—He does.

419. You do not put into a common stock, and provide for yourselves?—No, we do not. Now, Mr. Clifford has referred to the subject of a writing room; and there is a general feeling in the gallery in which I participate, that we want a commodious writing room, to which we can have access constantly from the time that Committees of the House meet until the House itself adjourns; and that such a room should be furnished for the accommodation of about 40 men. That is a large number, perhaps, but we desire it for this reason, that when the House of Lords adjourns, most of the men who have been writing in the House of Lords will come to that room, for the sake of convenience in dispatching their copy to the various newspaper offices. We should like to have a room as large as Committee-room No. 18, which is now used by permission of the Serjeant-at-Arms for the purpose, but this is closed at his caprice at any time; and there has been a case or two recently when it has been closed, and gentlemen accustomed to write there have been put to great inconvenience and annoyance by being driven into the great corridor to perform their work.

420. Lord *John Manners.*] Is No. 18 conveniently situated for that purpose?—Very much so.

421. And you would retain that room with satisfaction if you were allowed to?—Decidedly. I think we should be very grateful for it.

422. *Chairman.*] Would that be sufficient for you?—For writing purposes, certainly. Then, if you will kindly allow me to proceed to the next point upon which I am instructed by my colleagues, I would mention that in connection with the reporting department of the morning papers the telegraph is now extensively employed; I allude to Wheatstone's little instrument, of which there are four or five in the rooms which I have been describing, behind the gallery. It is very likely that seven or eight may be wanted. Besides the "Times," the "Telegraph," the "Standard," and the "Star," the "Daily News," and most of the other papers may require similar accommodation, so that if a small room were set apart as a telegraph-room, it would be a great advantage. A cloak and hat-room near the gallery, supplied with a lavatory, would also be a very great convenience. Then a messengers' waiting-room adjacent to the gallery would be useful. At present there is a good deal of disorder in consequence of the messengers coming up

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up and occupying the stairs leading to the gallery, and the entrance to the refreshment-room. If we could have a messengers' waiting-room, there would be less disorder; the room would be under the eye of an officer of the House, and everything would be satisfactory in that respect. Now, with reference to the refreshment question, the gentlemen are very anxious to have a commodious refreshment-room convenient to the gallery, of which they should have the exclusive use, and which should accommodate 40 or 50 persons; and they suggest that it should be fitted up with a screen and buffet, and that the tariff of charges should be arranged by a committee of the reporters, with the approval of the Kitchen Committee, and that that room should be under the Kitchen Committee and not under the Serjeant-at-Arms.

423. Lord *John Manners.*] Do you wish that refreshments should be provided by Mr. Lucas?—I have no opinion to offer upon that subject, but I think a proper tariff could be arranged to the satisfaction of the committee of reporters and the Kitchen Committee.

424. Mr. *Cowper.*] What use is made of that room which was appropriated to the reporters some years ago near the entrance from New Palace-yard?—That is a sort of lounge where many go and take their tea or other refreshments; but from its situation it is felt to be very inconvenient.

425. It is not used practically for the business of the reporters?—No, it is not; but it has this good effect that it keeps the men on the premises, which is preferable to their wandering about in the neighbourhood for obvious reasons.

426. They would rest there, and afterwards return to the business-room?—Exactly.

427. Mr. *Beresford Hope.*] You heard the evidence of the previous witness, did you not?—I did.

428. Do you confirm what he says with reference to the necessity of having the papers of the House and other accommodations of that description supplied to the reporters?—I do not feel so strongly as he does upon that subject. As the leader of a staff of reporters, I think we manage very well upon the whole. I write sometimes to Members and request the use of such papers as they may have referred to, and when they are sent to me I take care that they shall be placed at the service of the whole gallery. As a rule I do not confine them to the use of my own staff, nor do I send the originals to the office to be placed in the hands of the printers.

429. I suppose that a large writing-room would help the representatives of the different papers to assist each other to a greater extent than they can at present?—Of course. With respect to the previous question, I would add that all books of reference would be useful; but it is, in my opinion, the business of the newspaper proprietors to supply such works as gazetteers and the Delphin classics. If we could have the orders of the day, and copies of all public Bills placed upon the table, for reference, that would assist us very much in the performance of our duties.

430. *Chairman.*] Do you think it would be sufficient if you had the orders of the day and the Bills that were coming before the House?—In my opinion, it would.

431. Now will you tell us about the ventilation of the refreshment-room; is it, in your opinion, properly ventilated?—Decidedly not, and I was astonished to hear the evidence which Dr. Percy gave respecting it. I think he can never have been there when the House is sitting and we are at work at night. He should come up and take a taste of the atmosphere some night when we are all in full swing.

432. Is there a considerable ejection of air into the room?—Certainly not. The House of Commons itself is sweet when I go into the House, but when I go back into those rooms the atmosphere is scarcely endurable; it is surcharged with carbon and other impurities, including the exhalations which spring from a urinal in close proximity to the refreshment-room. Before concluding I should like to say a word about the acoustics of the House itself. Having been so many years in the gallery, I am thoroughly acquainted with the whole case, and my opinion is that we hear just as well in the new House as we did in the temporary House.

433. Have you anything to say with reference to the arrangements of the House; do you think there will be any objection to business being transacted in the middle of the House?—No, I think not. While hearing Mr. Ward Hunt's evidence it struck me that something of that sort would be useful so far as the reporters are concerned (*handing in a small Plan*). If Members would address Mr. Speaker, as they are always supposed to do, we should not experience half the inconvenience we do at present.

434. But supposing a Member is very near, close to the Speaker's chair, that would not apply, would it?—The practice of conducting business in a conversational style across the table too much prevails in the House.

435. It is the case that if a Member standing at the bar addresses the Speaker he addresses you equally; but if he is close to the chair and addresses the Speaker, he does not address you?—That is quite true.

436. But if the transaction of the business were in the middle of the House, do you not think that you could hear equally well what is going on?—If you do not remove the Speaker's chair further down the floor of the House.

437. And if you remove the leading Members of the Government, and the Opposition, some feet nearer to the bar?—Yes, if you swept the Treasury bench round the corner of the table, in form of an elbow.

438. If the place of the Treasury bench, instead of being close to the Speaker, were removed nearer to the end of the bar, in the same line as that in which Members speak at present, would that be an improvement?—Decidedly. Of course we are always anxious to catch official utterances, and the present arrangement is not altogether favourable to that.

439. Mr. *Lanyon.*] You are of opinion that there would be no objection to removing the Speaker a little further from you?—No; provided as a consequence the Members turned towards and made a point of addressing Mr. Speaker.

Mr. HUGH C. E. CHILDERS, Member of the House; Examined.

Mr. *H. C. E. Childers*, M.P.

12 July 1867.

440. *Chairman.*] HAVE you any suggestions to make to this Committee with reference to the want of accommodation within the House for Members of the departments of the Government?—My experience extends only to two Sessions and-a-half; during the first one and-a-half of which I held the office of Civil, and afterwards Financial Lord of the Admiralty, and during the other Session that of Secretary to the Treasury. In both capacities, especially the latter, I felt very much the want of some accommodation for transacting business within the precincts of the House.

441. Can you tell us at all how many rooms you think would be requisite for the different departments?—I am hardly prepared to answer that question without some further consideration, as I was not aware that it would be likely to be put to me; but I can answer any questions with reference to those departments with which I have been connected.

442. As Secretary to the Admiralty, and more especially Secretary to the Treasury?—As Secretary to the Treasury, I do not think I was absent from the House half a dozen days in the Session. I calculate that on an average of three of the four business days of the week, when there was a House, during the whole of the time that I had not to be on the bench, I was either transacting business with Members of the Government or going through Treasury papers which were sent down to me, and I should have transacted the business very much better if I had had the means of doing so in quiet, instead of in the division lobby, which is often crowded and noisy.

443. Sir *Frederick Heygate.*] Mr Hunt gave us his opinion that it would be advantageous to have rooms for several other Members of the Government. Are you of the same opinion?—I understand that at present the only rooms available for Members of the Government are the two rooms which the law officers and the Patronage Secretary to the Treasury occupy. I am quite confident that two at least of the Secretaries of State, or those who represent the Secretaries of State in the House, and the Secretary to the Admiralty, and perhaps some others, ought to have rooms for transacting business.

444. Do you think that advantage or the contrary, results from the greater absence of the important Members of the Government from the House?—I conceive these rooms would be places in which particular Members of the Government to whom reference is very often made, would be found, instead of having to be looked for in the division lobbies where they have to be found now; but that they would not be more than now, absent from their places in the front bench.

Monday, 15th July 1867.

MEMBERS PRESENT:

Mr. Bazley.	Mr. Headlam.
Mr. Baillie Cochrane.	Lord Hotham.
Mr. Cowper.	Mr. Lanyon.
Viscount Enfield.	Lord John Manners.
Mr. Darby Griffith.	Mr. Tite.

THE RIGHT HON. T. E. HEADLAM, IN THE CHAIR.

Mr. EDWARD M. BARRY, called in; and Examined.

Mr. *E. M. Barry.* 15 July 1867.

445. *Chairman.*] WILL you be so good as to inform the Committee what you have done to carry out the recommendations of the Committee, which you received upon the last occasion when you were present?—In the first place, I have had the present House carefully re-measured, in order to be quite sure as to its accommodation; and I have prepared this statement of its accommodation, which I will read. It differs in a slight degree from the figures which I gave last time, but these figures are quite accurate. I find the average width of each sitting, instead of being under 20 inches, is 20⅓rd inches.

HOUSE OF COMMONS.

As at Present.

Members on Floor	306	
Ditto - in Gallery	122	
		428
Peers and Officials on Floor		44
Peers' and Diplomatic Gallery		21
Speaker's Gallery		43
Strangers' Gallery		60
Reporters' Gallery		38
Ladies' Gallery (north end)		49
Ditto - - (south end)		8
TOTAL		691

	Ft.	*in.*
Average width of each sitting	1	8⅓
Distance from back to back of benches	3	6

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446. This paper contains the precise accommodation which is given in the present House, does it not?—It does. The next suggestion which I considered was, for an alteration of the seats within the present four walls of the House. I produce a plan showing that arrangement (*producing the same*), and that I have called Plan A. That plan removes the seats which are now occupied by the Peers and officials to the number of 44, and adds that space to the Members' accommodation; the accommodation for the Members on the floor, according to Plan A., is 319, and in the gallery 122, making a total of 441. This plan involves the necessity of dispensing with the wooden posts which support the galleries, but I have shown the posts on the plan. The paper relating to Plan A. is as follows:

HOUSE OF COMMONS.

PLAN A., showing an Alteration of the Seats within the present House.

Members on Floor	319	
Ditto - in Gallery	122	
		441
Peers and Officials on Floor		nil.
Peers' and Diplomatic Gallery		21
Speaker's Gallery		43
Strangers' Gallery		60
Reporters' Gallery		38
Ladies' Gallery (north end)		49
Ditto - - (south end)		8
TOTAL		660

447. This paper shows the accommodation which will be given by Plan A.?—Yes.

448. Mr. *Tite.*] Where do you put the Peers?—I have taken away that accommodation altogether.

449. Where are they to go to?—They will be put up in the gallery, I presume. The next plan which I have to submit is Plan B., which shows the enlargement of the House by the removal of the north wall, and the re-arrangement of the seats upon a curved principle (*handing in the same*).

450. Will you be so good as to explain that to the Committee?—Plan B. contains accommodation for 367 Members on the floor, and 119 in the gallery, making a total of 486; this plan also involves the necessity of dispensing with the wooden posts which support the gallery; it also provides seats for the Peers to the extent of 32 at the

the four corners of the House. The paper relating to Plan B. is as follows:

HOUSE OF COMMONS.

PLAN B., showing an Enlargement of the House, by the Removal of the North Wall, and the Re-arrangement of the Seats on a Curved Principle.

Members on Floor - - - -	367	
Ditto - in Gallery - - - -	119	
		486
Peers and Officials on Floor - - - -		32
Peers' and Diplomatic Gallery - - -		26
Speaker's Gallery - - - - - -		49
Strangers' Gallery - - - - -		58
Reporters' Gallery - - - - -		38
Ladies' Gallery (north end) - - - -		49
Ditto - - (south end) - - - -		8
TOTAL - - -		746

451. Mr. *Cowper.*] The Peers would have access to the corner by the lobbies, would they not?—Yes; by the present staircases.

452. Mr. *Tite.*] There would be room for 16 Peers entering from this eastern lobby?—Yes, there would; Plan C. (*producing the same*) shows the enlargement of the House by the removal of the north wall, the same as in the last case, but the re-arrangement of the seats is upon a rectangular principle instead of a curve; by that plan the Members on the floor are 429, and those in the gallery 160, making a total of 589, allowing room for 32 Peers and officials on the floor. The paper relating to Plan C. is as follows:

HOUSE OF COMMONS.

PLAN C., showing an Enlargement of the House, by the Removal of the North Wall, and the Re-arrangement of the Seats on a Rectangular Principle.

Members on Floor - - - -	429	
Ditto - in Gallery - - - -	160	
		589
Peers and Officials on Floor - - - -		32
Peers' and Diplomatic Gallery - - -		24
Speaker's Gallery - - - - - -		48
Strangers' Gallery - - - - -		64
Reporters' Gallery - - - - -		38
Ladies' Gallery (north end) - - - -		49
Ditto - - (south end) - - - -		8
TOTAL - - -		852

I have also a section (*producing the same*) which I have prepared according to Mr. Bazley's suggestion, which he was good enough to lay before the Committee last time, to show the effect of the side galleries.

453. Mr. *Tite.*] If carried over the lobby?—Yes, if carried over the division lobbies at the sides of the House. This half section shows the House as it is, and this half shows it as it would be if the suggestion were carried out, with five rows of seats on each side. These dots may be supposed to represent the eyes of Members, and there is the Speaker. They would require at least this rise to see the Speaker, and more, in fact, to see him well, and even with that they would not see anyone on this side of the House (*pointing to the section*). It would be necessary to remove the windows, which would lead to some difficulty as to light, and the best way of meeting that would be a skylight over the side galleries; and then there would be all this space to fill with the voice, immediately opposite the Speaker; that, I think, would be a disadvantage.

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454. You contemplate speaking opposite the Speaker, do you not?—No, I think not. Mr. Bazley offered another suggestion, which was to pull down the side walls of the House and take in the division lobbise; that is, practically, building a new house; and if a new House were to be built, I think there is a better way of doing it, by retaining the present House with all its lobbies, and building a new one on the site of the court adjoining and of the dining-rooms.

455. *Chairman.*] Have you prepared a plan of that?—I have (*producing the same*). If this plan were adopted, there would be the advantage of retaining the old House with all its appurtenances until the new one was built. When the new one was built, the present House would become the House of Commons lobby, so that you would have two lobbies, and you might confine the public to one. The present House lobby might be reserved, for the public lobby would then be cut off, and the various offices which are necessary, such as post-offices and others, might be added to the new House lobby formed out of the present House. The present division lobbies might be the news-room and writing-room; and then the present House might, if the Committee thought fit, be used as division lobbies, with private and other rooms. Then the private staircase, which is now close to the refreshment rooms, might be carried up to the Committee-rooms, so as to form an easy communication between them and the House; and, further, the present ceiling of the House of Commons might be removed, and the old one replaced; so as to restore the architectural character of the room. If it were used as a lobby, it would be very suitable.

456. Mr. *Tite.*] Is not the area at present useful in a very great degree to light and ventilate the rooms around it?—No; there are no rooms of great importance around it. The refreshment rooms are there now, and it is proposed to pull them down; and underneath them there are offices which will be unnecessary when the refreshment rooms are removed. All the other rooms are unaffected.

457. Then the operation would be, in point of fact, removing the refreshment rooms and the other rooms, and putting the House of Commons there instead?—Yes, that would be so; I have not had the time to go into all the minutiæ connected with these plans, but I give this to the Committee as a general idea that a new House might be built there, and the present House utilised.

458. Mr. *Cowper.*] What area could you get?—I have assumed sittings for 458 Members; that would be ample.

459. Could you give us the area which would be disposable for erecting the House?—Yes; it is about 65 feet square for the House.

460. *Chairman.*] We will now proceed to consider Plan A.; Plan A. retains all the existing walls of the House of Commons, I think, does it not?—It does.

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461. And does not add anything to the internal area?—It does not.

462. You propose by Plan A. to take away the posts supporting the gallery?—I have shown the posts on Plan A.; but I think it will be necessary to remove them.

463. By Plan A. you give up all the seats which are now set apart in the House for Peers, and for other persons at present within the area of the House?—Yes.

464. The number of Members you accommodate on the floor is 319?—It is.

465. And in the gallery 122?—Yes.

466. Then what accommodation by this plan is given for Peers and distinguished persons?—None on the floor; the gallery remains as before.

467. That is merely the gallery over the clock?—That is all.

468. And there would be no other accommodation, except that row of seats over the clock, for Peers and official persons?—That would be all, unless it is taken from the Speaker's gallery, or the Strangers' gallery.

469. Mr. *Cowper.*] Or the side galleries for Members?—Or from the side galleries.

470. *Chairman.*] In which case, if you take the accommodation for Peers and distinguished strangers from the side galleries, this number of 122, which you have given, would have to be proportionately diminished?—It would.

471. This plan gives the same accommodation to the Speaker's gallery as exists at present?—Yes, that would be 43.

472. And does not alter the Reporters' gallery or the Ladies' gallery?—It leaves them as they are.

473. Mr. *Baillie Cochrane.*] The only thing you do by this plan, is to take away the Peers' seats?—Yes; and re-arrange the sitting, and place the Ministers in the centre of the House.

474. *Chairman.*] What additional accommodation would be obtained, if, instead of curving the seats at the Speaker's end of the House, the seats were carried parallel on this side (*pointing to the plan*)?—In round numbers, 46.

475. In this curved arrangement, would you not get any seats in the corner?—I think not; if you did, you would lose room for the gangways to them, and you would have no height under the gallery.

476. Lord *John Manners.*] Would you recommend the Committee to adopt this plan?—Certainly not.

477. Mr. *Baillie Cochrane.*] In point of fact, the change would be merely taking away these seats?—I think that would be very unsightly, and that it would not answer the intentions of the Committee.

478. *Chairman.*] The extent of accommodation given by Plan A. you think would not be sufficient to satisfy the requirements of the Committee?—I think not.

479. Now we will ask you with respect to Plan B.; Plan B. increases the length of the House by an addition at the Speaker's end, does it not?—It does.

480. Will you tell the Committee what would be the length of the House within the walls, after the re-arrangement?—Eighty-five feet, and the width would remain the same as at present.

481. So that it would be an increase in the length of the House from 68 feet, the present length, to 85 feet?—It would.

482. And the number of Members who could be accommodated according to this proposed arrangement of seats, would be increased from 306, which is the number accommodated at present, to 367?—That would be so.

483. What accommodation by Plan B. would be given to Peers and official persons within the House?—There would be accommodation for 32 in four galleries, containing eight each.

484. Would those galleries be convenient of access?—Two of them would have the same access as that which the Peers' seats have at present; and the other two would be entered by the Division lobbies behind the Speaker's chair.

485. I think I understand you to present these arrangements in Plan B. as affording communication, not so much with the Speaker's chair, as with the persons who are bringing forward Bills?—That is my object; for the convenience of heads of departments.

486. What accommodation would there be for Peers and officials in the galleries?—There would be seats for 26.

487. They would be over the clock, in the same manner as at present?—That would not be quite the same as at present, because I propose to give the front row to the Members; that row of 27 seats I have allotted to Members. If it were intended that that should be a diplomatic gallery, the number of Members in that statement must be diminished by 27; I have put the diplomatic visitors in the second row, and the Speaker's friends in the third and fourth rows.

488. Mr. *Baillie Cochrane.*] In that case there would be very little more accommodation than there is at present; if you take 27 from 486, there would be very little difference between the accommodation then and that which exists now?—In that case it would be so, but there would be more sittings on the floor.

489. *Chairman.*] What addition to the present accommodation would be obtained under this plan by making the seats parallel at the Speaker's end?—You would gain about 40 extra seats on the floor.

490. That would raise the number of seats on the floor to upwards of 400?—To upwards of 400.

491. The Speaker's gallery would remain the same as at present?—Yes, the Speaker's gallery would remain the same as at present, or nearly so.

492. The Strangers' gallery would also be the the same as at present?—The Strangers' gallery would remain the same.

493. The Reporters' gallery would remain the same as at present?—The Reporters' gallery would remain the same.

494. Their gallery would be put proportionately back, would it not?—The Reporters' gallery would be put a little back.

495. The Ladies' gallery would remain exactly the same as it is at present?—Exactly the same.

496. Mr. *Tite.*] Will the ceiling be reconstructed?—I have not proposed any alteration in the ceiling.

497. Then what do you do to the ceiling when you lengthen the House?—I should carry it on. I should say there would be a larger gain if the rectangular arrangement were adopted than if the curved arrangement were adopted, as there would be a gain in the gallery as well; I have stated that there would be a gain of 40 seats on the floor, but I think there would be a gain of 50, including the gallery.

498. Your

498. Your plan B. gives 367 sittings on the floor and 119 in the galleries?—Yes.

499. Making a total of 486; but the 119 in the gallery is obtained by utilising for Members the front row of seats, where the Ambassadors' gallery is at present?—It is.

500. Then if we take away that (and that contains 27 seats) and reserve the Ambassadors' seats as they are at present, that would reduce your total of seats to 459?—Yes, it would.

501. But if we continue the west end straight up, without curving it, which you seem rather inclined to do, that would add 40 back again?—It would add 40 on the floor and 10 in the gallery.

502. Then the result would be that we should get 509 seats by Plan B., with the modifications I have explained?—Yes.

503. Mr. *Baillie Cochrane.*] But you only have 16 places for Peers on the ground floor?—No, I should be able to keep the 32.

504. Mr. *Cowper.*] Will you state the accommodation of the present House as it is, in order that we may compare these figures?—It will seat 428 in all.

505. Will you divide them between the floor and the gallery?—There are 306 on the floor, and 124 in the gallery.

506. Mr. *Darby Griffith.*] How much of that is accommodation for Members?—The 306 on the ground floor includes the accommodation for six persons below the bar.

507. Viscount *Enfield.*] Would you retain the Speaker's chair at the same distance from the end wall as it is at present?—No, I assume that it would be thrown back a little—(*The Witness explained the plans to the Committee*)—Taking the rectangular arrangement throughout, there is a gain, I think, of 63 seats.

508. Mr. *Baillie Cochrane.*] You will lengthen the House very much, will you not?—Seventeen feet.

509. That would make it so long, that it would be very difficult to hear?—Not necessarily; I should recommend the curving of the seats at this end (*pointing to the plan*).

510. Viscount *Enfield.*] The more you lengthen the House, the more it becomes necessary?—That is the case; I might add, that my own feeling is against curving the Speaker's end.

511. Lord *John Manners.*] But you only gain an important number of seats for the Members by sacrificing the Diplomatic gallery?—You would have accommodation for 482, which is 52 more than at present.

512. Lord *Hotham.*] I presume it is because of this end affording a larger amount of accommodation that you would prefer it rectangular to having both ends the same?—I think the curved seats here (*pointing to the plan*) would induce Members to turn their backs to the reporters, and I think it would be more awkward in the approach, as the seats would have to rise towards the Speaker, and the Speaker would seem to be buried between two rows of seats.

513. But have you not always heard that the arrangement of seats in the old House was considered very convenient?—I have heard so, but I never saw the old House.

514. Lord *John Manners.*] Would you explain the arrangements you propose in the centre of the House upon the plan?—This plan was prepared according to the instructions of the Chairman, showing small tables in front of the two front benches. In this plan I have shown the two central tables, in order that the Committee might judge which would be the more convenient.

515. Lord *Hotham.*] Then for whom are the two lower tables intended?—For the Treasury Bench, and for the front Opposition Bench.

516. Two tables for each?—Two tables for each; they are proposed to be small, in order to enable the Members to pass readily.

517. *Chairman.*] How much longer are the present Treasury and Opposition Benches than these which you show on your plan?—Four seats longer, that would be about seven feet six inches.

518. Then what is the particular object of having a passage between the tables?—To enable Members to pass more readily to their places. If it were a long table, and the ends were occupied, and the middle empty, people passing to the empty seats would have to pass so many Members sitting; therefore, the smaller the tables the less people there would be to pass.

519. The addition of four seats to the Treasury Bench would not add much to the length of the table?—I think it would be more convenient in passing to have the arrangement I have shown.

520. You are aware that if a person is speaking from any of that part of the house (*pointing to the plan*), no one can cross between him and the Speaker?—I was not aware of that.

521. Mr. *Cowper.*] Will you state the distance that you would leave for a passage between the two tables, if there were two tables?—Five feet.

522. And then the tables would come very close to the Members' feet?—No, there would be a greater space between them and the table, than at present between seat and seat.

523. Then there would only remain five feet for Members to pass up and down, as a gangway?—That is so.

524. Lord *Hotham.*] And they would have to pass before the Minister who was speaking?—They must do that.

525. Mr. *Tite.*] What are the dimensions of the present tables, clear of the clerks?—The table is nine feet long and six feet six inches wide.

526. In Plan B., showing a passage up the middle, what is the size of the tables for the Ministers and the Opposition?—There would be four tables, each five feet six inches long and 18 inches wide.

527. Now in the alternative plan there would be two tables?—In the alternative plan there would be two tables 11 feet long and four feet six inches wide.

528. *Chairman.*] Do you recommend this plan B. to the Committee?—Subject to the modification at the Speaker's end.

529. You would recommend the seats being rectangular at the Speaker's end, but curved at the Serjeant-at-Arms' end?—I should.

530. Mr. *Darby Griffith.*] The position of the gangway is differently arranged in the two plans B. and C., one with a rectangular, and the other with a circular ending?—In Plan B. the object was to get a long seat for the Ministerial bench and Opposition bench of 20 sittings; and it was necessary to keep them far apart. In Plan C. I have a seat of 24 sittings, and it is not necessary to have gangways there.

531. You have three gangways?—I put a new gangway in this plan, so that you have three on each side.

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532. In point of fact, by a modification of Plan C., with the square end you would get 24 seats for the Ministerial and Opposition benches?—Yes.

533. Whereas in this plan you have only 20?—That is so.

534. Mr. *Baillie Cochrane.*] There are two seats here which are completely behind the Speaker's chair, and virtually out of his reach?—That is as at present.

535. Do you take away the gallery in this plan?—I put the gallery back.

536. And take away the columns?—Yes.

537. How do you support the gallery?—By iron brackets.

538. Mr. *Darby Griffith.*] Would it be an inconvenience to get at so long a seat as one which would hold 24?—That is a question upon which I should be glad to have the opinion of the Committee; it would be convenient to the Ministers to have it.

539. Mr. *Lanyon.*] What is the relative height between the Speaker's seat and these back seats, because the only objection to these circular seats is the possibility of the Speaker being drowned, as it were, by these seats being so much above him?—The floor of the back seat would be four feet high, and the rail of it would be three feet, so as to make seven feet.

540. That might be an open rail, so as not to present such a heavy appearance?—An open rail would not be so heavy as a close one, but it would have an appearence of shutting up the Speaker; the Speaker is raised 18 inches above the floor.

541. You stated that the back seat would be raised four feet; is that four feet above the floor of the House, or above the floor of the Speaker's chair?—Above the Speaker's chair.

542. There would be only four feet between the back seat, and the floor of the Speaker's chair?—Yes, plus the height of the benches.

543. The back seat would be altogether behind the Speaker's chair to which that height would be given?—Yes.

544. The next seat would be how much lower?—That would be a foot less.

545. *Chairman.*] There would be no great difficulty in raising the Speaker two feet from the floor, would there?—I should doubt whether that was convenient, but it might be done.

546. Mr. *Baillie Cochrane.*] Have you made any estimate of the expense of carrying out the Plan B.?—I have not gone into the expense.

547. *Chairman.*] Could this be completed between one Session and another?—It might be, with temporary fittings.

548. Not with permanent fittings?—Not with permanent fittings in that short space of time.

549. There would be no difficulty in getting that ready, with temporary fittings, by the next Session?—No, I think not.

550. Mr. *Baillie Cochrane.*] But you could not go on working during the Session?—No; we could put the temporary fittings in at the beginning of the Session, and replace them by permanent fittings when the Session was over.

551. Mr. *Tite.*] In Plan C. you accommodate 429 Members on the floor?—Yes, and 116 in the gallery.

552. How do you get that very large number in the gallery?—It works itself out so by omitting the curves; I have already taken the front row of the gallery in both cases, that is, 24 seats.

553. Lord *John Manners.*] In any plan that you adopt, the front row in the gallery, I think, must be left for distinguished visitors?—Then that, of course, must be taken as a correction.

554. Mr. *Tite.*] The result would be 429 on the floor and 160 in the gallery, less 24, that would give 136 upstairs?—It would.

555. Mr. *Baillie Cochrane.*] But either of those plans only gives 16 seats on the ground floor for Peers and distinguished strangers?—Either plan would give 32 such seats.

556. That is 32, comprehending the officials at the end of the House?—Yes; at present it is 44.

557. But you have put two seats at the end, so that the distinguished strangers and Peers, for whom they are intended, could not get at them without great inconvenience?—Those would be for the heads of departments (*pointing to the plan*).

558. That would leave 16 seats for Peers and strangers, which they could easily get at?—This seat could be added of course, if it was desired (*pointing to the plan*). There would be no difficulty in giving any accommodation, if it was cut off from the House.

559. By doing so, you would reduce the space of the House?—Yes.

560. Mr. *Tite.*] Leaving out the front row of seats in the gallery, and appropriating it to distinguished individuals, you get 429 seats on the floor, and 136 in the gallery; that makes 565 sittings as compared with the present accommodation of the House?—Yes.

561. Lord *John Manners.*] Plan B. would give you 509 seats, and Plan C. would give you 565 seats?—Exactly.

562. Mr. *Darby Griffith.*] Is not the point of comparison really the accommodation which there is on the floor of the House, because the gallery is almost useless for the purposes of speaking?—You get 123 more sittings on the floor by this Plan C. than you have at present.

563. Mr. *Baillie Cochrane.*] In the original House, according to Sir Charles Barry's original plan, there was no gallery at all, was there?—There was always a gallery of one row of seats for members; the galleries were then brought forward one seat.

564. Mr. *Tite.*] Do you think the Plan C. would work well?—I should prefer to recommend a union of the Plans B. and C.

565. *Chairman.*] Supposing you had a union of Plans B. and C., where would you put the centre of the ministerial bench?—There (*pointing to the plan*).

566. That would be three-quarters of the way up the House at least?—Yes; we might put a gangway there, if wished.

567. In your plans for a new House, how much is the Speaker's chair moved back relatively to the present House?—It is set back four feet relatively to the present House; four feet nearer to the wall.

568. *Chairman.*] Do you produce a plan of the new House?—Yes, Plan D. (*The same was handed in.*)

569. This Plan D. is a plan for a new House of Commons?—Yes, it is.

570. And you consider, if the Committee came to the determination that it was desirable to reconstruct the House of Commons and to rebuild it, that it would be better to retain the present House of Commons than to build a new one upon

upon the existing site?—It would be better and cheaper.

571. Your plan would be to retain the present House of Commons, improving it by adding to the height of the windows, and restoring it to its old architectural form, and then to build a new House of Commons in the space between the House and the library?—That is my plan.

572. Mr. *Tite.*] To build it upon that part which is now occupied by the refreshment rooms, and the area which lights and ventilates the refreshment rooms?—That is so.

573. Mr. *Baillie Cochrane.*] Would there be any difficulties in doing that?—No architectural difficulties.

574. And the old House could be used until the other was ready?—It could, and that was one of the points I had in view in suggesting my plan.

575. *Chairman.*] You have made it a square on your plan?—I would not wish to pledge myself to the exact details of the proposed building, but I have produced this plan to show the Committee the possibility of building a new House there.

576. Do you think a square is the best form, supposing we are perfectly free with respect to space?—I think some form not departing widely from a square would be the proper form.

577. Mr. *Baillie Cochrane.*] Have you calculated how many sittings that would give you on the ground?—Four hundred and fifty-eight sittings are shown on my plan.

578. Mr. *Tite.*] This is 65 feet by 65?—Yes, or thereabouts.

579. And the area is 4,225 square feet?—Yes.

580. The house, as proposed to be lengthened by you, would be 85 by 44 feet, and the area would be 3,740 square feet?—That is so.

581. *Chairman.*] What is the area of the existing house?—Three thousand feet as nearly as possible.

582. The new house would be rather more than a quarter as large again as the present?—Yes.

583. Mr. *Baillie Cochrane.*] And it would be made such a shape that members would be able to hear better than they can in the present house?—I think so.

584. Mr. *Lanyon.*] But it would be only one-eighth larger than the improved house according to plans B. and C.?—Only one-eighth larger.

585. But it would be more advantageously shaped?—Yes.

586. Mr. *Darby Griffith.*] Would it be of a more advantageous shape with reference to its acoustic and other properties?—I think so.

587. Mr. *Tite.*] Would not the shape of the ceiling, the house being in the form you have suggested, assist in that respect?—I think it would.

588. Mr. *Baillie Cochrane.*] And then we should have a great advantage in retaining the old house?—The advantage is, that while you get something else you retain all that you have got, whereas by any other arrangement you simply change what you have got for something else.

589. Lord *John Manners.*] Would it not also have the effect of bringing the House of Commons into much more convenient proximity to the library?—I think it would.

590. Mr. *Tite.*] The architectural effect of the arrangement of your father, of the Speaker sitting at one end of the building and the Lord Chancellor at the other, would be all broken up?—It would, but we should have the opportunity of restoring the architectural character of the present house by taking away the low roof.

591. Mr. *Baillie Cochrane.*] And of giving more space for the accommodation of strangers and for the two lobbies?—Yes.

592. *Chairman.*] There would be no difficulty in ventilating that building?—There would be no difficulty.

593. And there would be better lighting for the building?—Yes.

594. Mr. *Cowper.*] When the House of Commons proceeded to the House of Lords, as in the present Session, would they go through what is now the House, and then through the lobby?—I imagine they would.

595. So that the effect of the procession would remain the same?—Exactly the same.

596. Would the present House, when converted into a lobby, be a great convenience to Members?—It would; it would be larger than the House would need, and there would be room in the corners for placing there offices and other rooms.

597. And would it be a place where Members might converse together without incommoding the House of Commons?—Yes; it would be possible, I think, to confine the public to the present lobby.

598. Would it be used as a division lobby?—It could be so used, but I have not proposed it.

599. This present corridor to the library would, I think, be required for a division lobby in that arrangement?—I think it would.

600. But another access could be easily provided to the library?—No doubt.

601. Lord *John Manners.*] According to your plan you have shown the division lobbies on the two sides of the House?—They would be very much the same as they are at present, only larger.

602. Viscount *Enfield.*] They would have to be lit from the top?—Yes.

603. Mr. *Baillie Cochrane.*] There would be no difficulty in getting to the library?—The access would be more convenient than it is at present.

604. What accommodation do you propose to give in the new House?—I have provided for 458 Members on the floor; if more accommodation than that is required, then a gallery would be necessary.

605. Lord *John Manners.*] In making that provision for 458 Members on the floor, do you occupy the whole space, or do you give space for strangers?—There would be a few seats for strangers on the floor and in the Diplomatic gallery.

606. You could make a gallery for ladies in the new House, could you not?—Yes.

607. *Chairman.*] You have space there in which you could build a house of any shape that was thought proper?—Of any shape.

608. Mr. *Darby Griffith.*] To save this corridor, could you bring the wall up here (*pointing to the plan*)?—I do not think you could.

609. You might use the House itself as a division lobby?—That is a question for the House to decide.

610. Mr. *Lanyon.*] With regard to height, would not this central building be the same as the other building?—There is nothing over it.

611. Mr. *Baillie Cochrane.*] Which would be the most convenient arrangement of the House altogether, this new House, or the plans B. and C.?—The new House would be better, because it would

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would be more capacious in every way, both with respect to itself and to its offices.

612. *Chairman.*] Looking to the whole of this large parallel, this would be all built over, and there would be no place for light?—The only objection that I can see to it is cutting off the access from the Speaker's court to the other courts, though I do not think that a serious objection. This is a plan of the House at present (*producing the same*). I think there would be no deprivation of light that need be considered; it would affect the votes and proceedings' office, which would have to be provided for by skylights, and it would affect the offices under the refreshment rooms, which would not be wanted if the refreshment rooms were moved.

613. Mr. *Tite.*] They are kitchens, are they not?—Yes, kitchens and other rooms proposed to be provided for elsewhere.

614. Lord *John Manners.*] How would the existing pile affect the light and air of the proposed new House?—I think there will be no difficulty as regards the new House.

615. Would there be any difficulty in ventilating it?—No.

616. Mr. *Baillie Cochrane.*] Have you any idea of how long it would take to build a new house?—I think it would take about two years.

617. And the old house could be used until it was completed?—Yes.

618. Mr. *Darby Griffith.*] Using this corridor would offer some inconvenience; do you think it would be impossible to set back the House to this wall, in preference to using the corridor; do you see any paramount objection to that. This corridor is the communication to the farther end of the library, and otherwise you must go through all the rooms of the library to get to the last, which is extremely inconvenient?—That requires consideration, but I am inclined to think that it would be better not to do so.

619. Mr. *Baillie Cochrane.*] You might even take off a bit from the present House, and make your division lobbies equal, and keep the present Commons corridor as it is?—I think that would be very unsightly.

620. Mr. *Cowper.*] If it were thought desirable to use the present House as part of the division lobby, you would see no difficulty in that?—Certainly not.

621. *Chairman.*] How would the strangers get up to their gallery?—I provide for a gallery over the entrance as at present; there would be no difficulty in bringing it up to this wall (*pointing to the plan*).

622. Mr. *Tite.*] This new building could be had without the destruction of the present House of Commons, which you desire to preserve as an architectural feature, as well as to afford the convenience of a double lobby?—Quite so, and also it would have the advantage of being available for the use of the House until the new House was finished.

623. Lord *Hotham.*] Have you considered the desirableness or otherwise of making the House to correspond in shape with the old House, which is exactly the reverse of your plan, namely, that it is curved at the Speaker's end and square at the other end?—You can see the effect of that by these plans, it would be just reversing the effect of which we have been talking.

624. Lord *John Manners.*] In the event of its being thought desirable to adopt the plans for a new House entirely, the first practical step to take would, probably, be to remove the present refreshment room, according to the plan which is now shown in the library?—It would.

625. You could not, practically, undertake any new works in connection with the proposed new House until the refreshment room was entirely removed?—No.

626. Mr. *Tite.*] And new ones provided?—And new ones provided.

627. Mr. *Baillie Cochrane.*] That would not be a very long operation, would it?—That could easily be done during the recess.

628. *Chairman.*] It has been suggested to the Committee that it would be very desirable that there should be rooms provided for the Government. By your plan B. will those be provided?—I have shown four rooms.

629. I think your plan takes away the two retiring rooms behind the Speaker's chair; in lieu of those, you would give these four rooms for Members connected with the Government?—Yes.

630. Mr. *Baillie Cochrane.*] Do you give any rooms in connection with the Opposition?—I have no room on this side; but it could be done if the Committee wished it.

631. *Chairman.*] Supposing the refreshment rooms to be taken away, the whole of this space might be divided in a new form, might it not?—Yes; I have assumed here that we should cut off that end (*pointing to the plan*).

632. But there is a considerable space that might be made use of in that manner?—There is.

633. Either for the Government or the Opposition?—Yes, or for the library.

634. Mr. *Cowper.*] Supposing it were considered convenient that Colonel Forester, the Assistant Serjeant-at-Arms, should cease to reside within the building, would the rooms which now form his apartments be very conveniently situated for providing retiring rooms for the purposes of which we have been speaking?—Yes, no doubt; he has a complete residence there.

635. And how near is the door of his apartments to the door behind the Speaker's chair?—From centre to centre, about 50 feet.

636. So that in that direction you might get a room for the Opposition to retire into, as well as other rooms for Members of the Government?—You could get four good rooms.

637. Mr. *Baillie Cochrane.*] I suppose that the new House being built would give you much more space than any other possible arrangement for getting accommodation out of the old House?—I should think it would.

638. How long would it take to draw out those plans fully for a new House?—About a fortnight; but that is only to work them out a little more definitely, not for the working plans.

639. *Chairman.*] Have you any reason to suppose that you could advantageously make it different from this shape, or would you make it in a square?—The Committee of the House, who sat a long time ago, had every shape before them, and they decided that the best shape was a square, or something not very different from a square; and I thought it better to adhere to that recommendation in laying these plans before the Committee.

640. Do you personally differ from that opinion?—No, I think that is perhaps the most convenient shape.

641. Mr. *Lanyon.*] When did that Committee sit?

sit?—In 1833, and at that time I think they had every sort of plan before them.

642. Lord *John Manners.*] In the event of its being thought desirable that the Speaker's chair should face in the same direction that it faces now, would you have sufficient space to carry out that arrangement on the ground available for building a new House?—I do not see at the moment how that arrangement could be carried out with an entrance opposite the Speaker's chair; the Speaker's end would be very near to his house.

643. *Chairman.*] Is there any other place where a new House could be made?—No, I think not.

644. I have seen a plan for building one in Old Palace Yard, in the space between Westminster Hall and Bridge-street?—There is plenty of space there, but it is not adapted for building a House of Commons; you would have to remove all the offices connected with it.

645. Mr. *Darby Griffith.*] You propose to cut off the corner from the square?—My own impression is rather in favour of a square with the corners cut off.

646. That renders it very similar to a semicircle for acoustic purposes?——

647. Mr. *Tite.*] The great advantage of this arrangement is, that it will allow the present House to be used until the new one is ready?—That is one advantage.

648. And what is the other?—The other is the gain of accommodation; you would retain all the other rooms which might be devoted to private purposes, and you would retain the House in addition.

649. Mr. *Baillie Cochrane.*] And you would be nearer to the libraries?—Yes, nearer to the libraries, and to the refreshment rooms.

650. Mr. *Darby Griffith.*] The proposed accommodation, as compared with the present, being as 3 to 2?—Yes.

651. The division lobbies would be only one story?—Possibly the galleries might be brought a little way over, that would require arrangement.

652. Mr. *Baillie Cochrane.*] You would have more accommodation for the house on the floor than you have now, galleries included?—Yes.

653. *Chairman.*] Where would you put the Peers?—I have not shown their seats on the plan, but they would be under the galleries, as at present.

654. Mr. *Baillie Cochrane.*] That would take away from the 458 seats?—No, that would be the full number.

655. Lord *John Manners.*] Nothing can be done until the refreshment rooms are done away with?—The removal of those rooms would take a very short time. I would only pull them down to the level of the principal floor.

656. *Chairman.*] Is not this plan C. very nearly identical with the House of Lords?—This is 85 feet, and the House of Lords is about 90.

Thursday, 18*th July* 1867.

MEMBERS PRESENT:

Mr. Bazley.	Mr. Headlam.
Viscount Enfield.	Mr. Beresford-Hope.
Mr. Darby Griffith.	Lord Hotham.
Mr. Hankey.	Lord John Manners.

THE RIGHT HONOURABLE T. E. HEADLAM, IN THE CHAIR.

Mr. THOMSON HANKEY, a Member of the House, Examined.

Mr. *T. Hankey*, M.P.

18 July 1867.

657. *Chairman.*] YOU have prepared a sketch, I think, of your suggestions for the improvement of the House?—I have.

658. Is that paper which you hold in your hand the sketch which you have prepared?—It is.

659. On which the red lines show the alterations?—On which the red lines show the proposed alterations of the present House.

660. What increase of size would be given by the adoption of your sketch?—I believe the present superficial area of the House is about 3,000 feet, and I think my suggestion would give an area of upwards of 5,000 feet.

661. Will you hand in your sketch?—I will. (*The same was handed in.*)

662. Would you wish that Mr. Barry should make a finished sketch in accordance with your views?—Yes; I should be glad to have that done. I do not feel entirely confident about the expediency of adhering to the proposed outer red lines, as, after having looked at Mr. Bazley's sketch, it has seemed to me quite possible that his may be an improvement; but, between the two, I think something might be made worthy of the consideration of the Committee. I think it desirable that plans so drawn by Mr. Barry should accompany the evidence when it is reported to the House, together with Mr. Barry's observations upon them.

Mr. THOMAS BAZLEY, a Member of the House, further Examined.

Mr. *T. Bazley*, M.P.

663. *Chairman.*] I THINK you have some suggestions to offer to the Committee for the improvement of the House of Commons?—I have.

664. You have drawn a sketch embodying your views upon the subject, have you not?—I have prepared a rough octagonal plan (*producing the same*). The walls marked A. represent the interior boundary of the House; the walls marked B. represent the external walls of the division lobbies; I purpose retaining the four corner oriel windows and all the archways both on the eastern and western divisions of the present House.

665. I understand your plan to be a House of Commons on the same site as the present House?—Precisely.

666. Having the same entrance?—Yes.

667. And having the same site for the Speaker's chair?—Yes.

668. But which should be extended laterally on both sides?—Exactly.

669. And, being extended laterally on both sides, it should assume somewhat the form of an octagon?—Yes; and all the official auxiliaries would be retained as now.

670. Viscount *Enfield.*] You do not know what additional accommodation would be provided by that arrangement?—I compute that the House will hold nearly 500 Members.

671. On the floor, or including the galleries?—On the floor; from 450 to 500, according to the arrangement of the architect.

672. *Chairman.*] And you are desirous that Mr. Barry should make a more complete sketch illustrative of your views, and that he should express his opinion with reference to your suggestion?—Certainly.

673. Mr. *Darby Griffith.*] The practical principle of your plan is the lateral extension of the House, is it not?—Yes, it is.

674. The octagonal extension, then, is of course secondary to that principle of lateral extension?—Yes; I believe it would be found advantageous, both with respect to acoustic properties, and as affording a convenient arrangement of benches.

675. What you seek mainly is the lateral extension?—Yes, with the least possible disturbance of the existing House.

676. Mr. *Hankey.*] I think I understood you to state that your extension would increase the present area of the House to about 4,500 feet?—Yes.

677. Whereas, according to the suggestion made by myself, the area would be larger?—Precisely; I regard your plan as essentially identical with my own.

678. *Chairman.*] Will you hand your plan in to the Committee?—I will. (*The same was handed in.*)

Friday, 19*th July* 1867.

MEMBERS PRESENT:

Mr. Bazley.
Mr. Baillie Cochrane.
Viscount Enfield.
Mr. Darby Griffith.
Sir Frederick Heygate.
Mr. Lanyon.
Lord John Manners.

THE RIGHT HONOURABLE LORD JOHN MANNERS, IN THE CHAIR.

Lord CHARLES JAMES FOX RUSSELL, Examined.

679. *Chairman.*] WILL you state to the Committee what office you hold?—I hold the office of Serjeant-at-Arms.

680. Has your attention been called to some evidence given before this Committee on the 12th of July by Mr. George Clifford and Mr. Mould?—It has.

681. Are there any observations which you would wish to make with respect to the statements contained in that evidence?—I should be be very glad to make a few observations if the Committee will allow me. It appears to me, from reading the evidence of Mr. George Clifford, that the two principal requirements that he has laid before you are a dining-room and what I should call a library; if you were building a new house, probably those two requirements would be worthy of your consideration; but I should first venture to caution the Committee always to look at this House as a house of business, and not to do anything which would, so to speak, convert it into a house of recreation or lounging; I have constantly, in the performance of my duties, to meet the difficulty of keeping the House of Commons to what I should suppose to be its proper uses; persons may attempt to get hold of it one way or another and pervert its uses, and it is my duty to see that that is not done. Then I do not quite know whether Mr. Clifford and Mr. Mould may be called the fair representatives of the Parliamentary reporters, inasmuch as they are, no doubt, at the head of their profession, and there are at least 100 reporters connected with the London press who have admission to the gallery, many of whom are not of the class and condition that Mr. Mould and Mr. Clifford are; whether they would require this separate dining-room and library I think would be very doubtful. As regards the library, I observed that a copy of the "Delphin Classics" was asked for. I remember my brother, Lord Russell, telling me that whenever he quoted the classics in former days, the passages were always reported (and quotation some 40 years ago was a far more common practice than it is now; I believe a speech was scarcely complete without one, but they are very much in disuse now); but that latterly, whenever he quoted Latin, he always had a request from the gallery that he would send the quotation up to them, which does not look as if the reporters would require the "Delphin Classics." Then, as regards their dining-room, they are very much better off now than they ever were before. The room at the back of the Reporters' Gallery, as described by Mr. Mould very accurately, is certainly a very insufficient accommodation for them, and is all that was provided by the Royal Commissioners; but within the last three or four years they have had two additional rooms given to them; one Committee room, No. 18, of which you have heard, as to which I shall make some further remarks, which, being a committee-room, and under my jurisdiction, I could hand over to them at certain times for their work; and the other a room immediately at the bottom of their staircase, which was an unfinished room, and therefore I had no jurisdiction over it; but I applied to the First Commissioner of Works (Mr. Cowper, I rather think) to finish it for me as a refreshment room for the reporters, which was done, and it was given over to them. That is immediately at the bottom of their gallery, and is a nice cheerful room. I believe they use it of an evening chiefly for smoking, or they can have their tea or whatever they like there; it is described by Mr. Clifford as a "lounge." The arrangements formerly as regarded the gallery were, I may say, of the rudest description; the reporters seemed to require only the necessaries of life, and not the luxuries; they used, as I am told, to have just a glass of spirits and water and biscuits, or anything of that sort; now they have their tea at the back of the gallery, in this room; but they have this other room to which they can go down whenever they require; they have a refreshment room of Mr. Lucas's, which they can go to, so that I do not know whether they have a very strong case made out in that respect. Then there are two other requirements which are of a different kind; namely, as regards the order of the gallery. I observe, Mr. Clifford says, that he should wish the dining-room, if they get it, to be under the superintendence and the control of the Kitchen Committee, which would be, I think, very reasonable, and a very proper arrangement; as I should not wish in any way to have the control of their mess-room, or to regulate their tariff according to their different incomes, as is proposed; let them be under the Kitchen Committee as regards the refreshment room, if that Committee would undertake them; and the same with their library, if they have that, let them have the whole control of the library. But, as regards order in the House, the Reporters' Gallery, I maintain, must be under the control and superintendence of the Serjeant-at-Arms. The Committee will remember that I hold a patent office from the Queen. My patent is to be

Lord *C. J. F. Russell.*
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be Her Serjeant-at-Arms, attending the Speaker of the House of Commons during the sitting of Parliament, and I believe I am the executive of the House. I do not quite understand what they mean in one case; I observe they use the expression that they desire to be placed, not under the direction of the Serjeant-at-Arms, but under the protection of the House; what being under the protection of the House would mean, I do not know; it means, I suppose, that they should be perfectly independent, and that nobody should interfere with them in any way. That, I can tell them, would not answer at all; they would not find it a very agreeable thing to control the gallery, because they would be constantly oppressed by requests for admissions, as I am, and I believe people would be much more disposed to take a refusal from a person in my position than they would be from those who had a direct self-interest in keeping the gallery to themselves and keeping others out; to give you some idea of what might be the result if I had no control over the gallery, and it was left to the control of the House, I will tell you what occurred to me some years ago; I have very frequently been pressed, very strongly indeed by Scotch and Irish Members, to allow representatives of the Scotch and Irish press seats in the gallery, which I have always fought against. I considered that the best way to serve the interests of the public in the Reporters' Gallery, was to give every accommodation to the London press, and to restrict it entirely to the London press. One year, I was pressed to allow a person connected with a very influential provincial paper to report the budget. I told him it was out of the question; it was a night of great interest, and that the gallery would be quite full, and that it would be impossible to grant him admittance. I was very much pressed by a Member to admit that reporter, and I at last said I would make such arrangements for him as I could, and I sent him to a part of the House which could not be so applied now, but which was not at that time appropriated in any other way, so that he could hear perfectly. I had every accommodation placed for him, and he reported the budget as he had desired. I was favoured the same week with his admirable report of the budget, and an article in that same paper abusing me for giving the monopoly of the Reporters' Gallery to the London press; that would be a question for the reporters; I felt it to be very harmless to me. Then, again, this would be an extreme case, but this might occur, that a Member taking umbrage, not at me, but at these reporters not admitting a reporter whom he favoured into the gallery, might have his revenge in this manner (I have seen it done), he would remark to the Speaker, that strangers were present, and out would go all the reporters; I do not say that would be done, but probably out of the 658 Members, you might find some man, who for some reason or other might do that; it could not possibly work under their own control. Then these gentlemen give their reasons why they wish to be removed from my jurisdiction, and not in particularly courteous language, but, however, that may not mean much. Mr. Clifford says in one place, that the officials seem to be inspired with a sort of traditional antagonism to the reporters; he repeats that again, somewhere in another part of his evidence; it appears to be a phrase he has got up. What "traditional antagonism" is, I do not know; he and Mr. Mould also, I think, use the term "caprice"; they say that they do not like being left to the caprice of the Serjeant-at-Arms. Now, I should not pay much attention to that, but as these gentlemen are more or less connected with the House, and as I am the Queen's Serjeant-at-Arms, and deputed by her to attend the Speaker of the House of Commons, I think that, if I had no higher motive, I should certainly consider it a dereliction of duty if I had ever been guilty of discourtesy to any gentleman connected with the press. I am quite confident that I have not, and that any of those gentlemen would say, if you were to ask them, that in any communications they have ever had with me I have always treated them with attention and courtesy. But with reference to the question of caprice, Mr. Clifford says, "We were allowed the use of Committee-room, No. 18; but during the morning sittings, when the House has been occupied with the consideration of the Reform Bill, we have been requiring that room of an afternoon in the same way as we require it at night; but for two weeks we have been unable to get the use of that room. A very respectful appeal was made to the Serjeant-at Arms to allow us the use of that room during the morning sittings, but he would not permit us to use it, and a great number of our reporters had to transcribe their notes at the tables in the corridor. At one time Colonel Forrester came along, and was pointed out eight or ten gentlemen who were transcribing their notes upon those tables, and was told the reason, but he would not permit them to go into that committee-room, and said that No. 18 should not be opened till a quarter to five." That probably is what they mean by caprice; but I should just like to say a word in explanation of that, as the Committee may have arrived at erroneous impressions from that statement. The facts are these, that I gave up No. 18 Committee-room for their use, and received their thanks for the very great kindness which I had shown them, as they expressed it; and they stated that it would be of very great use to them. Of course they only had the use of it in the evenings after the committees were over; the committee-rooms were quite full, and more than full, owing to the pressure of the business; they never had it during the mornings; they did not require it, and the committees would be sitting then; and when the committees have left, it is the duty of the man who has charge of the rooms to collect all the waste paper and the stationery, which is returned to the Stationery Office, and any things which may be left behind by Members, which are taken charge of. It occurred in one instance that Colonel Parker, I rather think it was, had missed one of his papers, and could not find it. The attendant said that while the Committee were sitting, these gentlemen came into the room and commenced their work, so that he had no opportunity of making the room clear while they continued their work. I gave directions to prevent that in future, and said that there must be a certain time at which these gentlemen may take possession of the room. The business of the House does not commence much before half-past four, and they cannot wish to transcribe before a quarter to five, and at a quarter to five they can have access to the room, and my orders to that effect were carried out. I then received from some person or persons (it might have been

Mr.

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Mr. Mould or Mr. Clifford, for all that I know), a note beginning with "The Reporters of the Gallery," there was no name to it; it was simply from "The Reporters of the Gallery." Hitherto any letters which I have received have been properly signed. This letter claimed the use of the room during the morning sittings, saying, that during this important Session, it was very essential to report the morning sittings. I sent the letter to Mr. Ross, and asked him what he knew of it. Mr. Ross expressed his surprise at my having received such a note, and said he did not know who those gentlemen were who called themselves "The Reporters of the Gallery"; he was surprised that they should address me in that manner. He further said that it would be a great convenience to reporters to have the use of No. 18 during the morning sittings. My reply to Mr. Ross was, that they should have it when it was vacant; I said that, because it was not vacant every day. On this side of the Central Hall, as you will probably know, Select Committees sit, and that room would be occupied occasionally, but whenever it was unoccupied of a morning I said I would let them have it. Then one of the gentlemen seems to think that the reporters have not the exclusive use of the gallery; that is quite an error so far as I am concerned. All this part of the Palace which is occupied by the House of Commons was, as perhaps the Committee will know, given over to me, under a warrant from the Lord Great Chamberlain for the use of the House, and is under my direction. I keep the building, of course, entirely as it was appropriated by the Royal Commissioners, and as it was handed over to me, and I should no more think of putting any person unconnected with the press into the Reporters' Gallery than I should of intruding myself into your own private houses. Mr. Clifford says that on one occasion he has seen election agents in the gallery, but Mr. Cochrane put a pertinent question as to that, that if these election agents did get there it must have been the fault of those who held the tickets for transferring them to those gentlemen. The tickets are not transferable; all the names of the holders are upon them, and if such persons as are described got into the gallery, it certainly was through the fault of the reporters themselves; and these gentlemen would know that if they had called the attention of the messenger in the gallery to those persons, they would have been immediately turned out; that has never come under my notice, and if the messenger wilfully let persons in, knowing them not to be reporters, it would be as much as his place was worth. I have never let anybody in but those connected with the press; the gallery is used by the London press exclusively. I have gone through the evidence of the reporters now, and I do not know that I have any further remark to make.

682. The statement which Mr. Clifford makes, that the tickets which are issued to the Reporters' Gallery are not confined to the reporters and the newspaper corps, but include other people, is therefore incorrect?—Perfectly incorrect; the editor of a newspaper sends in a list of the tickets he requires, giving me all the names of the parties for whom they are required; the names are inscribed upon the tickets, and they are not transferable.

683. With respect to the room which was given up to the reporters some time ago, I think at the bottom of the staircase; is that conveniently situated for them to go to from the gallery?—It is the closest room to the gallery except the room immediately at the back; it is just at the bottom of the stairs. I cannot conceive anything more convenient for them; it is a very good room, neatly fitted up, with a sofa and chairs and tables; a very light and agreeable room.

684. Practically speaking, I suppose there is no room that could be given up to the reporters for transcribing their notes more conveniently situated than such a Committee-room as No. 18 or 19?—No; they are the nearest and the largest; there is nothing so good as No. 18 for their purpose, and I have stated already that whenever it is available I give it to them; but it is one of those rooms which have been handed over to me as the Corridor Committee-rooms, and we are so very much put to for room for the Committees, that I could not possibly, as the housekeeper of the House, consent to alienate that room. Members do not at all like in the summer being sent to the little rooms above, and occasionally, owing to the great pressure of private business, we have been obliged to have the Committees in the two lobbies of the House of Commons, in the newspaper rooms, but not this year.

685. Would it be very inconvenient to the reporters to have to ascend to a room appropriated to them upstairs?—It would be further off; they would have to ascend other stairs on account of having to go through the corridor to get to it.

686. As I understand, there is a private staircase from the Reporters' Gallery up to certain offices which are used by the reporters, at the back of the Ladies' Gallery?—Yes; at the back of the Ladies' Gallery they are landed upon this floor; but if your Lordship is alluding to those above this floor, then there is no other way of getting to them but by going to the centre, and the centre would be a long way off.

687. Mr. *Darby Griffith.*] You have described to the Committee, I think, the nature of your appointment; it appears to be a patent office from the Queen?—It is.

688. Not depending at all upon any authority from the House?—Not at all.

689. The result of your statement appears to be that that part of the House which is within your jurisdiction is handed over to you by the Lord Chamberlain?—The Lord Great Chamberlain.

690. What is the distinction between the two?—The Lord Great Chamberlain is hereditary; the Lord Chamberlain is an office of State, and changes with the Government.

691. Your authority is derived from the Queen direct, through the hereditary Lord Great Chamberlain?—Yes, as regards the Palace.

692. In point of fact, your jurisdiction is quite distinct from any authority on the part of the House?—Do you mean the appropriation of the building?

693. The authority of your office, according to the account you have given of it to the Committee, appears to be derived direct from the Crown, and to have no reference at all to any authority given by the House?—Only in this way, that I have to attend the Speaker, and therefore any directions which the Speaker gave me I should feel bound to carry out. My patent is in these terms: to attend the Speaker during the sitting of Parliament, and Her Majesty at such other times as it is not sitting.

694. The authority of the Speaker is of a different

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ferent kind, it comes direct by election from the House; do you consider, therefore, your authority to be secondary to that of the Speaker, or distinct from it?—Virtually secondary, I should say, because I have to attend him and carry out his directions; but I have the direct control over that part of the New Palace, handed over to me for the House of Commons, and I can only be removed by an Address to the Crown.

695. You would come under the same tenure as the judges?—Yes.

696. With respect to the details of the Committee-rooms, the whole House and its entourage is under your direction?—Yes.

697. One of the representations of Mr. Clifford was, that editors and leader writers were introduced into the gallery?—Quite so, but I observe that Mr. Clifford says in the next paragraph, that they have as much right there as he has himself; of course, in order to conduct a newspaper, it is quite necessary that the editor and the summary writer should be there.

698. The summary writer, Mr. Clifford seemed to consider as a reporter, essentially?—Mr. Clifford suggests, that they should be somewhere by themselves; he says, "The Serjeant-at-Arms has the power of issuing tickets to the Reporters' Gallery, which admit the editors and the leader writers and other people to the Reporters' Gallery." Then, in answer to Question 363, he says, "The suggestion that I have to make is, that the editors and leader writers should have a separate box for themselves, as is done, I believe, in France and Belgium; it is necessary that they should be there to hear the debates, and they have as great a claim to be there as we have."

699. But he represented that they interfered with the convenience of the reporters, by being in the same gallery?—Yes, he does; he rather says, that they talk with one another, but I think you will see from Mr. Clifford's evidence, that the front row, with the exception of the seat occupied by Mr. Ross, is allotted entirely to reporters and to summary writers; the editors are behind. And I may remark that the editors tell me that it is very necessary to watch their reporters; that is perhaps another reason for the editors being in the gallery.

700. *Chairman.*] As I understand, you send a certain number of tickets to the editor or proprietor of each journal, and he disposes of them as he thinks best for the service of the journal?—Yes, of course; I clearly understand that the persons holding the tickets are all connected with the journal; there are some papers to which as many as 15 are issued, and many have 10 or 11; they relieve each other every quarter of an hour.

701. Mr. *Darby Griffith.*] I suppose the "Times" appropriates the lion's share of the gallery?—There are not more than two or so admitted at a time; the "Times" has more reporters, but not more in together than other newspapers, with the one exception of Mr. Ross, who is a sort of chief of their staff. I have always communicated with Mr. Ross when I have had occasion to deal with any question relating to the reporters.

702. In point of fact, not more than about two for each paper are admitted?—No.

703. Viscount *Enfield.*] To how many daily journals do you send tickets?—To all the London daily papers.

704. Every one of them?—Yes, every one of them.

705. And any weekly papers?—Yes, but the reporters for those journals only come on Thursdays and Fridays; they do not come so much for reporting purposes, but they claim to come in the interest of the public to watch.

706. And only on those two days?—Those, I think, are their days.

707. Mr. *Lanyon.*] In such a Session as this, when there has been so little Committee business, comparatively speaking, is there any necessity for the use of Committee-room, No. 18, for Select Committee purposes?—The answer to that, I think, would be that Mr. Clifford states in his evidence that he was a week or so without it, I having told you that my directions (after the representations which were made to me) were, that whenever the room was not required in the morning for Committee purposes it was at their disposal. The rule that we generally observe in the disposition of the Committees is, that beyond the centre we put the groups, which are all over by this time, but the Select Committees all sit at this end of the corridor; it is more convenient for the Committee clerks, and so on, being nearer the Committee office.

708. Sir *Frederick Heygate.*] Is there ample room at present in the Reporters' Gallery for all the London press who require to go?—There is ample room for all the reporters of the morning papers, and I think that we cannot go very much beyond that. For the evening papers, we have the "Sun" and those other papers; but I have always thought it for the advantage of the public that the morning papers should have ample accommodation, and that we have always endeavoured to give them.

709. But should there be more London papers started, would their reporters find accommodation?—We have already had the growth of the penny papers, and we have provided for that; the gallery has been considerably enlarged, but the reporters seem to have forgotten that I made that claim for them. Formerly the Members' galleries went flush to the wall at either end, and now we have altered that, and the reporters have got seven or eight seats extra. Then there has been introduced that very useful institution for the gallery, the electric telegraph; there is not that demand now for admission from country papers, because they have the advantage of the electric telegraph.

710. But there is no possibility of a further enlargement, in case of further application?—No, I have no doubt that the statement of the reporters is quite true, that they are very much inconvenienced on Thursday and Friday evenings, when the reporters for the weekly papers come down.

711. It seems to be a very important question, in the event of any alteration being made in the Reporters' Gallery, as to having a separate enlargement?—Yes.

712. Mr. *Darby Griffith.*] Has Mr. Hansard a separate reporter?—No, I think not; there is one place which the shorthand writer to the House (Mr. Gurney) has a right to, if it is required, but it is only occasionally used.

713. Mr. *Bazley.*] You state that upon the whole you think it better that the country Parliamentary intelligence should come through the reporters of the London press?—I dare say one way is as good as the other, but as we cannot accommodate all, I have always felt that the best thing we could do for the public was to accommodate the London daily papers.

714. Then in the event of increased accommodation being provided for reporters, you would not object to the country press for the leading cities and towns having accommodation in the gallery?—I should not object if there was sufficient accommodation for them.

715. I dare say you can conceive the London press not being favourable to the speed of communication of intelligence to country journals; that London editors are not likely to have an interest in communicating early information to country journals?—I believe the electric telegraph sends the reports for the country papers.

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Lieutenant Colonel Cecil William Forester, Assistant Serjeant-at-Arms, Examined.

716. *Chairman.*] Has your attention been directed to some evidence given by Mr. Clifford on the 12th of July, before this Committee?—It has.

717. Especially with respect to the intermittent use of Committee-room 18?—Yes.

718. Would you like to make any explanation with regard to that evidence?—I was merely carrying out the Serjeant-at-Arms' orders. Great inconvenience is often felt by papers being taken out of the Committee-room before it is properly looked after by the office keeper, and I was obliged to report a case of that nature to the Serjeant-at-Arms, and his Lordship directed me not to have the door opened till a quarter to five.

719. Are the Committee to understand that that order extends to all days of the week, although no Committee may be sitting in No. 18?—There are at this moment four Committees told off to sit in No. 18, and they frequently sit on alternate days, so that there is great difficulty in accommodating the reporters in that room; indeed I took it upon myself the other day, to put them in the room adjoining, after his Lordship had given me that order, which I have stated.

720. In the event of there being a morning sitting, at which important business is transacted, and No. 18 being occupied by a Committee, would you feel any difficulty in giving the reporters the use of an adjoining Committee-room which might not then be occupied?—I did so the other day; this Session has been rather an extraordinary one; there have been more public Committees than usual; there are now 24 public Committees on the paper, occasionally sitting, and they are invariably put in from No. 19 to No. 12 Committee-room; frequently all the rooms at this end of the corridor are full; last Session I had to put, for six weeks, I should think, Committees on private Bills up in the upper corridor because there was not sufficient room in this corridor; the upper corridor is very inconvenient, especially for Railway Bills, as there is no room for them to hang up their maps, and the Counsel object very much to going up there.

Lieut. Col. C. W. Forester. ——

721. Mr. *Lanyon.*] Were there no other rooms vacant on the corridor corresponding with this at the time No. 18 was used as a public Committee-room?—I am not aware of that; I should think not.

722. Do you know the room called the Chaplain's room?—Yes, I do.

723. Would there be any difficulty in providing accommodation in some other place for the chaplain, and giving accommodation to the press there, for which it would be a most convenient room?—I could not answer that question; there are two rooms there, and there is one opposite; there are also some rooms beneath that.

APPENDIX.

REPORT by Mr. *E. M. Barry* on the present HOUSE of COMMONS, and the Plans and Suggestions made for its Alteration and Enlargement.

Appendix.

Present House of Commons.

Members on floor 306
Ditto, gallery - 124
430

Strangers - 263

THE present House of Commons differs considerably, both as regards accommodation and appearance, from the original design of my father. When it was first opened, the space given by the architect to each member, in accordance with his instructions, was less as regards the distance between the benches than is now the case; there were, consequently, two more benches on the floor of the House, giving accommodation to 58 more members than at present. The instructions given to the architect from time to time during the construction of the House were to make it as small as possible, and to provide for as many members as practicable in a small area. It was not then thought necessary to allot to each member as much space as is now considered essential; and this remark applies with equal force to the provision made at that time in churches, theatres, concert rooms, and other public places, where it is now the custom to provide accommodation on a much more liberal scale than formerly.

House as originally designed by Sir C. Barry.

When the House of Commons was first opened, the accommodation for each member, although strictly in accordance with the instructions, was considered insufficient, and extra space was gained for each bench by removing a bench from each side of the House, thus reducing the accommodation on the floor by 58 Members; at the same time it was determined to bring the galleries forward, increasing thereby the gallery seats by about 60. The additional projection of the galleries rendered necessary the columns or posts which are now frequently complained of.

Alterations from Sir C. Barry's design.

The principal alteration, however, which caused the House to depart so widely from my father's design was the insertion of the present ceiling with sloping sides at a lower level than the original ceiling. This not only caused the House to appear low and ill-proportioned, but, by cutting off more than one-half of the side windows, deprived the apartment of light, air, and architectural character. My father never ceased to regret the mutilation of his work, and used earnestly to contend that the House had not been sufficiently tried during the two or three morning sittings held in it, and that the alteration was ill-judged and too hastily made. On this point I find the following passage in the evidence of Mr. G. Clifford, who speaks on behalf of the reporters of the press, and who is personally a stranger to me (Answer 378): "I remember the House as it came from the hands of Sir Charles Barry; it was exceedingly beautiful and well-proportioned, and I think now, and thought then, that it was condemned rather too soon. Members did not endeavour to adapt themselves to the altered circumstances of the House; it was necessary to articulate a little more distinctly than had been; and I think, if Members had taken a little more pains, they might have been heard throughout the whole House." He adds that the Wednesday sittings held to try the House were almost gala days, and Members "went in without trying to do the thing seriously."

Acoustic qualities of House.

As regards the acoustic qualities of the present House, there may be differences of opinion, as there must always be, as respects the qualities of a room in which every one of a body of more than 600 members, of various ages, expect to hear and be heard from every point. I am bound to say that, in my opinion, the House of Commons as it now exists, is very good indeed in its acoustic qualities, and that I do not know of any room to be compared with it to its disadvantage. I have often heard that the temporary House of Commons was very good for hearing; but Mr. Clifford states (Answer 358), that the reporters hear very much better in the present than they did in the temporary House. He adds (Answer 388), that "if Members would speak slowly and distinctly, the House might be enlarged to the size of the present House of Lords;" and that "Her Majesty is heard in every part of the House of Lords, while many noble Lords who make complaints of not being reported, and not being heard, are much nearer to us. The difference is this, that the Queen articulates distinctly, and speaks distinctly, and the consequence is she is heard distinctly."

Difficulties attending enlargement of House.

With reference to an enlargement of the House of Commons, acoustic questions must be carefully considered, especially if there exists any disposition to provide for the whole number of about 650 Members. The accommodation for strangers at present is 263, and this number cannot conveniently be reduced; indeed, in the Reporters' Gallery, and elsewhere, there is a demand for increased space. A house, therefore, which should provide

Appendix.

room for the whole of the Members and for the strangers, must contain seats for at least 813 persons. It is often assumed that there can be no difficulty for a competent architect in designing a satisfactory House under these conditions; and churches, theatres, and concert-rooms are referred to as a proof that it is possible to provide good accommodation as regards seeing and hearing for much larger numbers than the House of Commons is required to contain. It is, however, necessary to point out that, in the places quoted, the speakers, actors, and singers address the public exclusively from one spot, or from a very limited part of the room; and that even then aid is often supplied to them by sounding boards, sound reflectors, elevated positions, or other special arrangements. In the House of Commons each Member speaks from his seat without deriving any assistance from mechanical appliances. It is also a peculiarity of modern oratory to make few set speeches, and to adapt a habit of conversational speaking. This habit renders it sometimes difficult to hear what passes across the table of the House; but Mr. Ross, of the "Times" newspaper, gives it as his opinion (Answer 183), that "the present House is an excellent House for hearing;" and that "when Members are silent you can hear a pin drop." Mr. Hunt states (Answer 258), "At present I think that the debates are conducted in too conversational a tone, and that most honourable Members, if they would take the trouble to elevate their voices and to articulate distinctly, could be heard better than they are." Moreover the difficulties encountered by some speakers in gaining the ear of the House, though attributed to its architecture, size, or construction, arise often from causes altogether independent of such considerations.

I now proceed to report on the various plans and suggestions that have been laid before the Committee.

Plan A.

Members on floor 319
Ditto, gallery - 122
441
Strangers - 219

This plan shows an alteration and re-arrangement of the seats within the present four walls of the House. The alterations are—

(1) Putting back four feet the Speaker's chair and the clerk's table and seats; (2) Placing the Treasury and Opposition benches in the centre of the House, with small tables before the front benches; and (3) Curving the seats at each end of the House.

This plan involves the necessity of removing the posts under the galleries, and reconstructing the latter on a curve, as shown on Plan B. With reference to the position of the table, Mr. Hunt considers (Answer 282), "that the whole of the balance of advantage would be in having the business table in the centre of the House;" but Mr. Clifford says (Answer 392), as regards the effect of having the business of the House transacted in the middle, "I think we should be quite unable to hear what is being said, and therefore should not be able to discharge our duties so much to the satisfaction of the House and of the country as we do at present;" and (Answer 394), "I think the nearer we are to the table, the better it is for the House, and for the general transaction of business." As regards curving the seats, I think the arrangement would be very objectionable at the Speaker's end of the House. The seats must rise towards the door, and the Speaker would appear to be buried between two mountains of seats. I understand that the Speaker does not approve this arrangement, which would not, however, be open to the same objection at the bar end of the House. It must be observed, however, that in applying curved seats to a rectangular House, there is necessarily a loss of space.

Plan B.

Members on floor 367
Ditto, gallery - 119
486
Strangers - 260

This plan provides for extending the length of the House 15 feet, by removing the north wall behind the Speaker's chair, forming a lobby at the back out of the present private rooms, and erecting new private rooms in place of the latter. The arrangement of the seats is on the curved principle, and the same remarks that have been made on Plan A, apply to this part of the subject. The plans of the gallery floors show the alterations that would be rendered necessary in the provision for the Reporters' and Ladies' Galleries, if this plan were carried out. In both cases, improvement on the existing accommodation would be obtained. Four new rooms would be assigned to the reporters, instead of the room at the back of their gallery, which is now much complained of, and the new rooms would be superior to the latter in height, light, and ventilation. The Ladies' Gallery would be divided into three separate rooms, as at present, and each would have an ante-room with access to the external air.

Mr. Clifford (Answer 378) "regards with great distrust any enlargement of the House;" but Mr. Hunt (Answer 250) suggests a plan almost identical with this plan, and (Answer 253) "does not think that there would be any inconvenience arising from the increased length of the House." I should add that four new private rooms for Ministers are shown on this plan as substitutes for the two rooms removed at the back of the Speaker's chair. The new rooms would be provided partly by a new erection in the Commons Court, and partly by cutting off a portion of one of the refreshment rooms.

The amount of accommodation required in the House of Commons is a question for the House to decide, not only with reference to the total number of Members, but with regard to the comfort and convenience of the very limited number who habitually attend, and by whom the business of the country may be said to be ordinarily conducted, but if it be determined to enlarge the existing House, I consider Plan B the simplest and best way of effecting that object, excepting that I am not prepared to recommend the curvature of the seats at both ends of the House.

This

Plan C.

This plan shows the enlargement of the House by the same additions above described with reference to Plan B, but the seats are shown according to the rectangular arrangement adopted in the present House. I should not in any case advise curved seats at the Speaker's end, and I have doubts of their advantages at the Bar end of the House. It might, however, be worth consideration how far a combination of the two arrangements might work advantageously. If the seats at the Speaker's end are arranged according to this plan, and those at the Bar end are curved, as in Plan B, the accommodation for Members would be reduced by about 50 seats below the number of 589, stated in the margin.

Members on floor	429
Ditto, gallery -	160
	589
Strangers -	263

Plan D.

This plan shows a new House of Commons erected on the space now occupied by the Commons Court and the refreshment rooms, retaining the present House as the lobby, and the present division lobbies as news rooms or writing rooms. New division lobbies would be provided the whole length of the House, and 18 feet wide, instead of 14 feet as at present; and six private rooms for Ministers would be constructed in connection with the lobbies. The public would be confined to the present Commons' lobby, and the new lobby formed of the present House would be appropriated to Members only, and would constitute a part of the precincts of the House. This lobby would be so large (70 feet by 44 feet) that portions of it at the four corners might be cut off by glazed screens, and fitted up as offices, to which Members require constant and easy access. Thus, one near the door of the lobby might be used for the delivery of vote papers to Members on their way to the House, without causing them to go out of their way, as at present, for that purpose. The same suggestion applies to obtaining Bills through a hatch, as suggested by Mr. Hunt (Answer 216), without imposing on Members the necessity of quitting the precincts of the House, and exposing themselves to interruption by strangers. Provision might also be made in the corner rooms above described for post and telegraph offices, and for the Patronage Secretary of the Treasury, and the gentleman who fills a similar position on the opposite side. (*See* Mr. Hunt's Answer, 217.) In using the present House as the lobby, as suggested, there would be no necessity to retain the present unsightly ceiling; I should, therefore, propose to remove it, and to restore the apartment to its original handsome architectural character, as designed by my father. The House thus restored, with its appendages as above described, would, I believe, not only form a handsome and very convenient lobby, but would also add an interesting architectural feature to the Palace, and be a great addition to the accommodation enjoyed by Members of the House of Commons. The access to the libraries would be very short and direct, and by enlarging and carrying up the present refreshment room stairs, a good and convenient approach would be obtained from the House to the Committee rooms, the smoking room, and the terrace, in connection with which new refreshment rooms could be constructed. I would suggest the provision of the latter accommodation in the centre portion of the river front on the level with the terrace. The present internal walls would be removed, and the interior remodelled after the style of the present smoking room. It would, however, be necessary to obtain more light and air than the present windows (only intended for a basement) afford, and this might be obtained by advancing the centre portion of the front, and forming an arcade or cloister on a part of the terrace.

Members on floor	458
Ditto, in gallery	100
	558
Strangers -	260

Suggestions of G. W. Hunt, Esq., M.P.

Access to Libraries.

Approach to Committee and refreshment rooms, &c.

As regards the provision of private rooms for Ministers and others, and a suggestion that has been made, that rooms should be provided in which Members might meet their constituents, keep their papers, &c., and also the large and increasing demands for the accommodation of the reporters of the press, I may perhaps point out that the space now occupied by private residences for the assistant serjeant and other officers of the House of Commons in New Palace Yard, would be very convenient for the purposes named, and that there is no necessity for all the above residences to be so close to the House. If these houses were appropriated to business purposes connected with the House, new private residences might be erected in New Palace Yard, towards Bridge-street, according to the original design of my father for the completion of the Palace. The levels of New Palace Yard must always cause it, in its present state, to present an unsatisfactory appearance, and my father's strong views as regards its architectural treatment are stated in a Parliamentary Paper, No. 333, Session 1855, from which the following is an extract:—

Private rooms for Ministers and others.

New Palace Yard.

"I propose that New Palace Yard should be enclosed on the north and west sides, and thereby form part of the New Palace, as it did of the Old Palace at Westminster, and that the principal entrance for the public should be at the north-west corner of this proposed new quadrangle; that the new building forming the west side of this quadrangle should be continued southward until it joins the existing building of St. Stephen's Porch, thereby forming a façade to St. Margaret-street and Old Palace Yard, with the convenience of a covered footway throughout the whole extent of it. By means of these additional buildings, the irregular, disjointed, and incongruous character of the present building on the land side would be removed, and a degree of unity would be given to the New Palace on that side, in harmony with that already obtained on the river side, and the principal entrance to the Palace would then be a marked and important feature of the building. The effect of these additions, also, would be to appropriate to useful purposes, the waste but valuable space which now not only produces no effect in itself, but injuriously affects the appearance of the New Palace."

Appendix.

Details of plan not final.

I do not wish to pledge myself to the exact details of this plan, but it appears to me that if it be determined to erect a new House, a plan on this principle will be far preferable to any plan which should propose to remove the present House and build a new one on its site.

Gain of accommodation.

By this plan, all existing accommodation is retained, and a new House and lobbies added thereto; by the other plan no new accommodation is gained, but that which now exists is surrendered for what may or may not be an improvement upon it; moreover, any interference with the present House involves the provision of a temporary House during the progress of the works, which would require from two to three years to complete; whereas, by this plan no such necessity would arise, as the present House would continue to be occupied until the new one should be finished and ready for use.

Best and cheapest plan for a new House.

If, therefore, the erection of a new House should be decided on, I think a plan on the principle of this plan would be the best, cheapest, and most convenient mode of solving the problem.

Plan E.

Members on floor 448
Ditto, gallery - 100
548
Strangers - 260

This plan has been suggested by Mr. Bazley, M.P., a Member of the Committee, and proposes the removal of the present building, and the erection of a new House on its site. Assuming that an octagon shape is desirable, and that there is no objection to the arrangement of the seats consequent thereon, the new House would be spacious and convenient, but the division lobbies would encroach inconveniently on the Star Chamber Court and the Commons Court, especially upon the latter. The expense of this plan would, I think, be more than that of Plan D, in consequence of the amount of demolition it would occasion, and the result would only be an enlarged House of Commons without further gain of accommodation or convenience. The necessity for providing a temporary House during the progress of the works would be a further cause of inconvenience and extra expense.

Plan F.

Members on floor 510
Ditto, gallery - 100
610
Strangers - 260

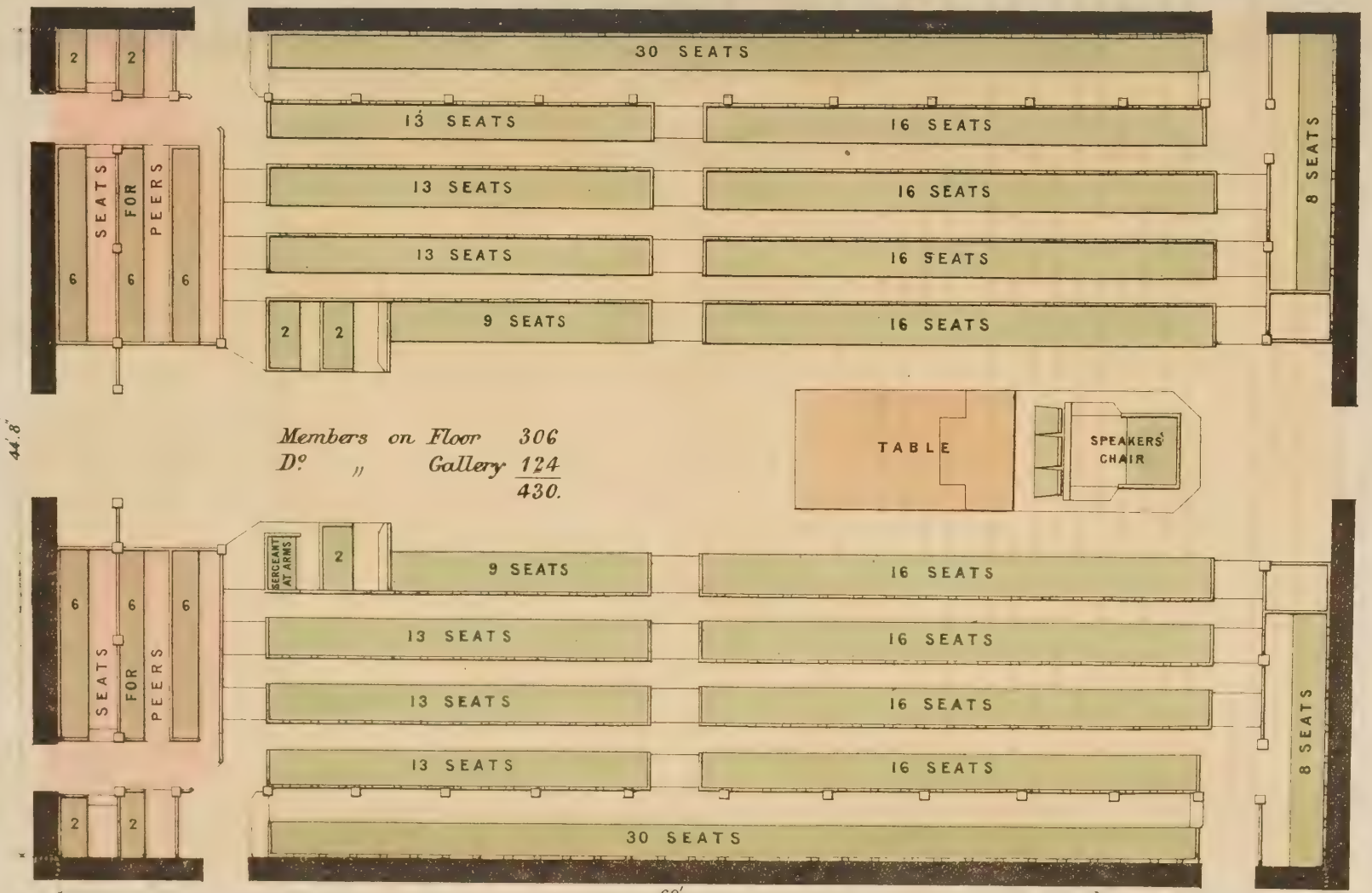
This plan, suggested by Mr. T. Hankey, M.P., a Member of the Committee, is so similar to that proposed by Mr. Bazley, as at first sight to appear almost identical with it. It is, however, more spacious, and is preferable to Mr. Bazley's plan in respect of the greater space given to the division lobbies; it is otherwise exposed to the same objections.

Section of present House (Mr. Bazley).

This is a suggestion by Mr. Bazley for extending the accommodation of the existing House by forming side galleries over the present division lobbies. By this arrangement it would be necessary to remove the windows, and provide, as substitutes, skylights over the side galleries, which would, in my opinion, be very objectionable. It would also be impossible to arrange the side galleries so that Members seated in them could see and hear well; and the alteration would, I think, be unfavourable to the general acoustic qualities of the House. It would also involve considerable constructional difficulties by interference with the structure of the House.

HOUSE OF COMMONS.

PLAN AS AT PRESENT.



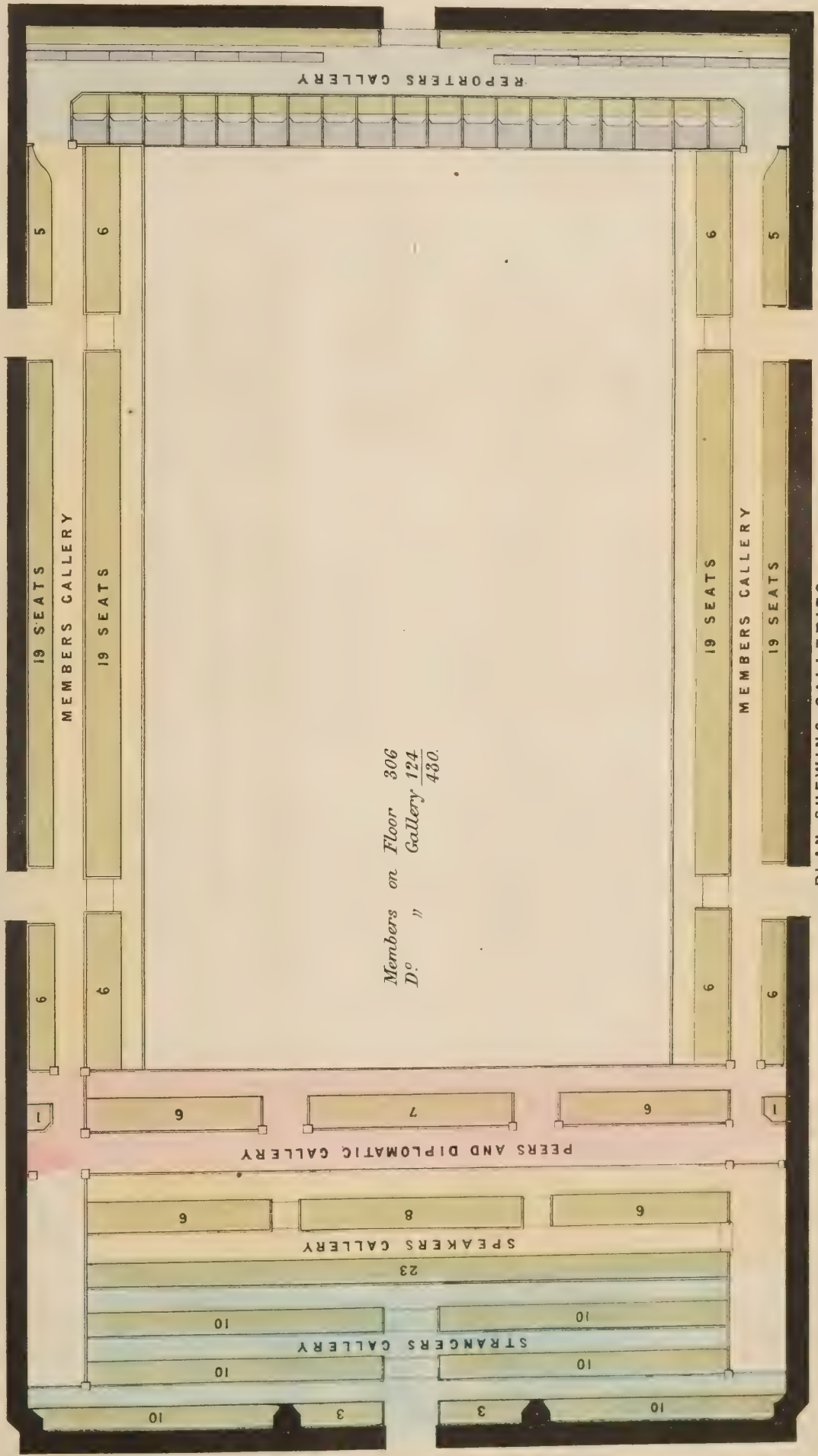
PLAN OF GROUND FLOOR.

SCALE.

10 5 0 10 20 30 40 50 FEET.

HOUSE OF COMMONS.

PLAN AS AT PRESENT.

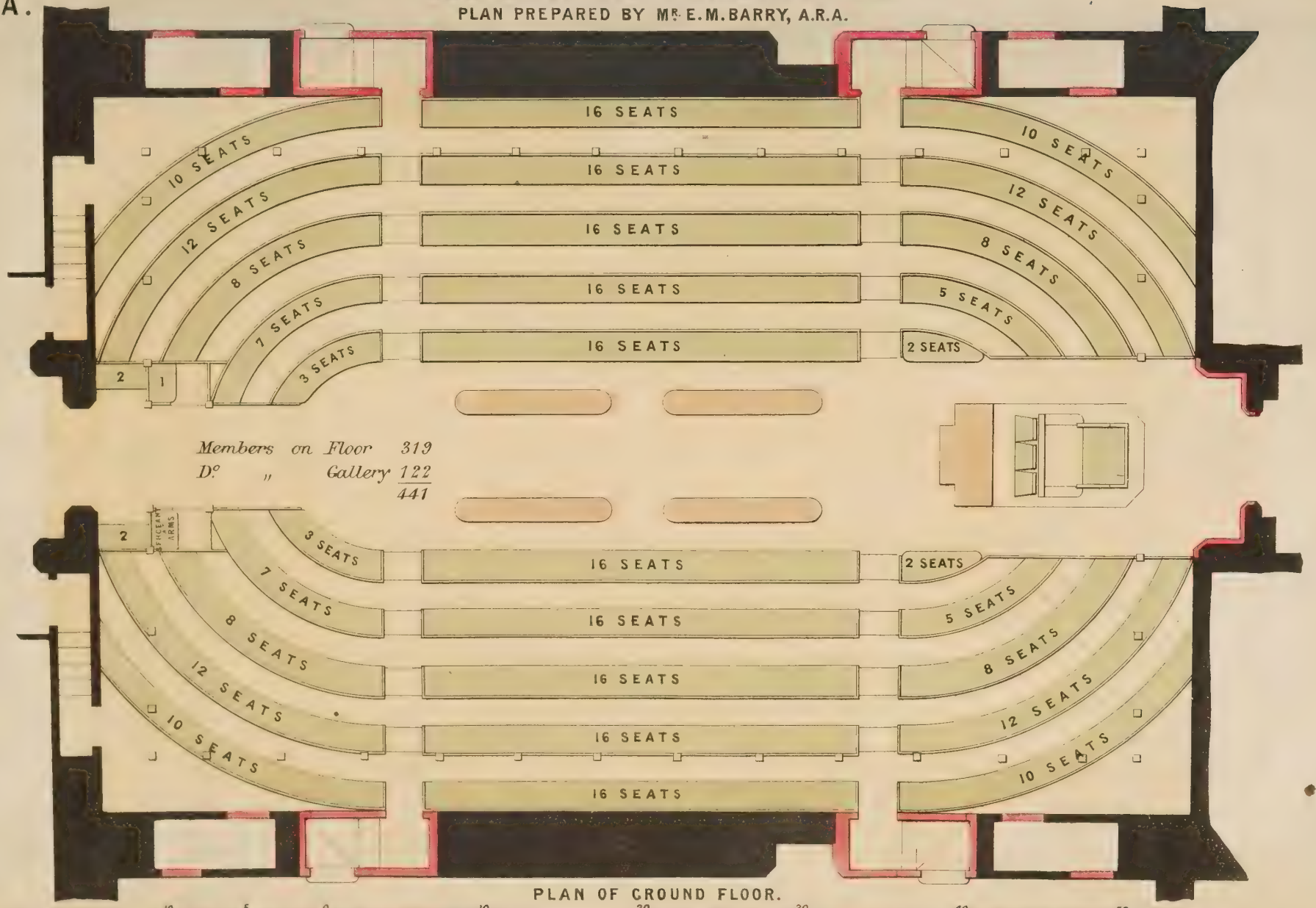


PLAN SHEWING GALLERIES.

PLAN A.

HOUSE OF COMMONS.

PLAN PREPARED BY Mr. E.M. BARRY, A.R.A.

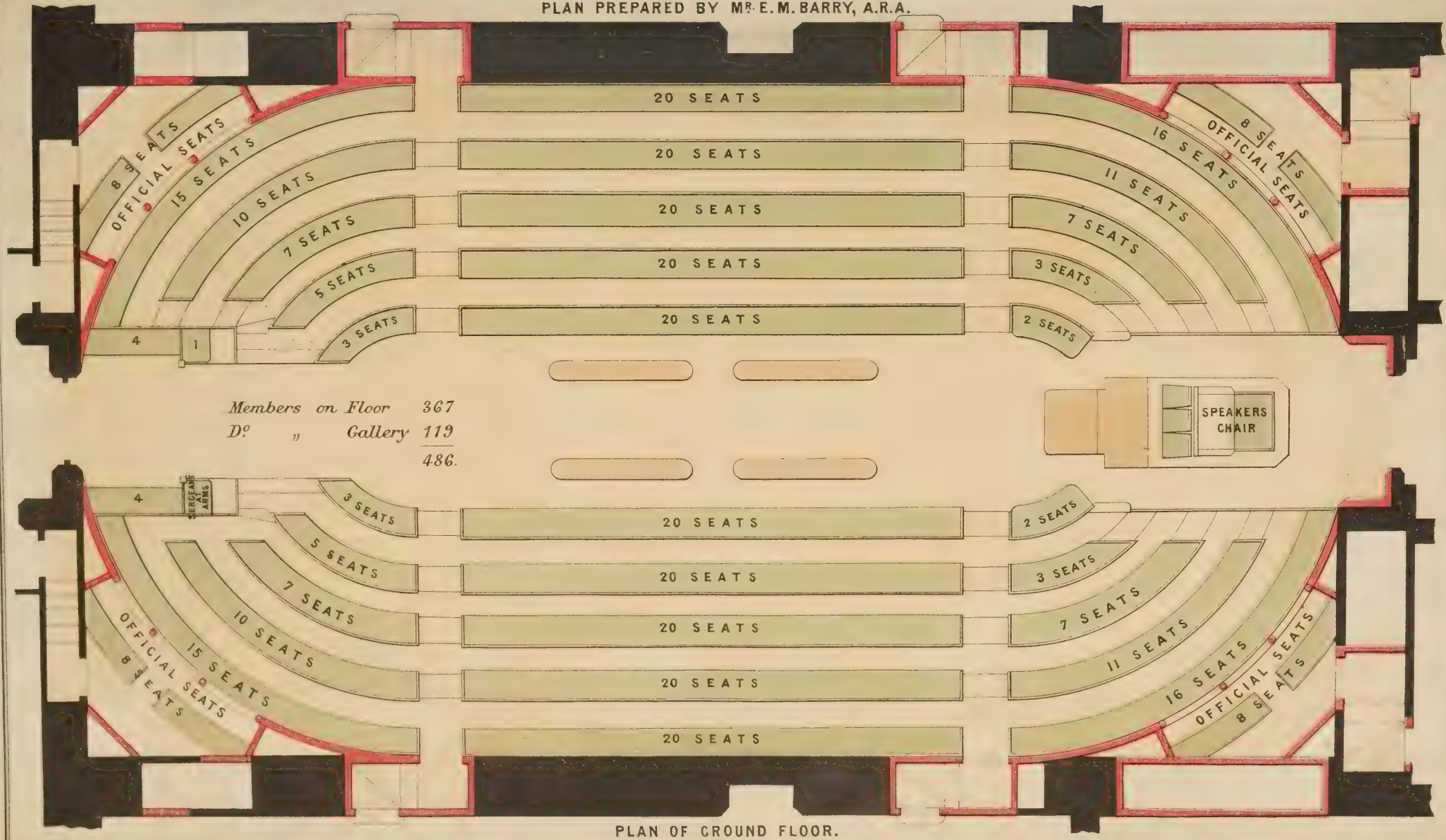


PLAN OF GROUND FLOOR.

PLAN B.

HOUSE OF COMMONS.

PLAN PREPARED BY Mr. E. M. BARRY, A.R.A.



Members on Floor 367
Dº „ *Gallery* 119
486.

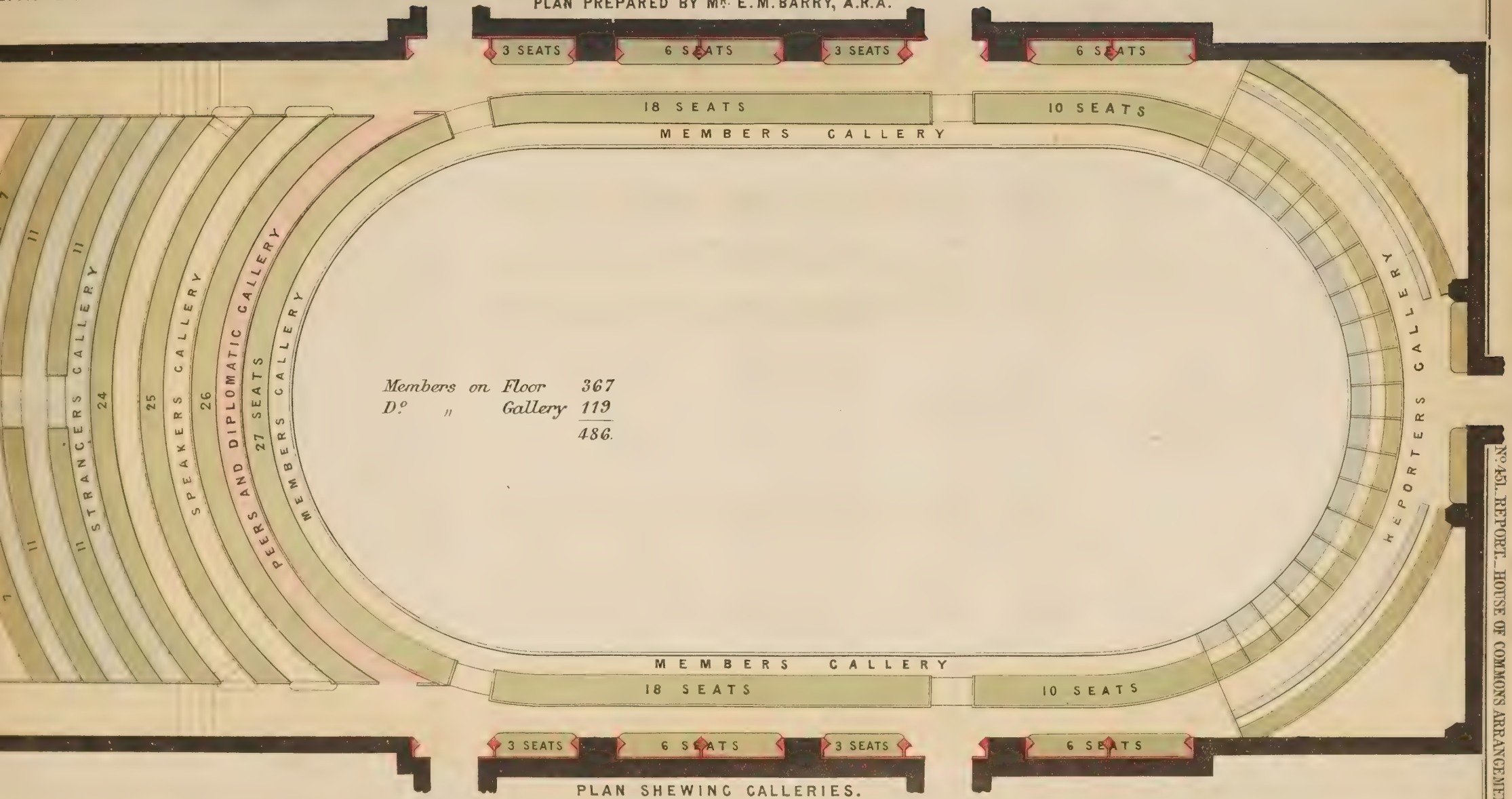
PLAN OF GROUND FLOOR.

10 5 0 10 20 30 40 50 FEET.

LAN B.

HOUSE OF COMMONS.

PLAN PREPARED BY Mr. E.M.BARRY, A.R.A.



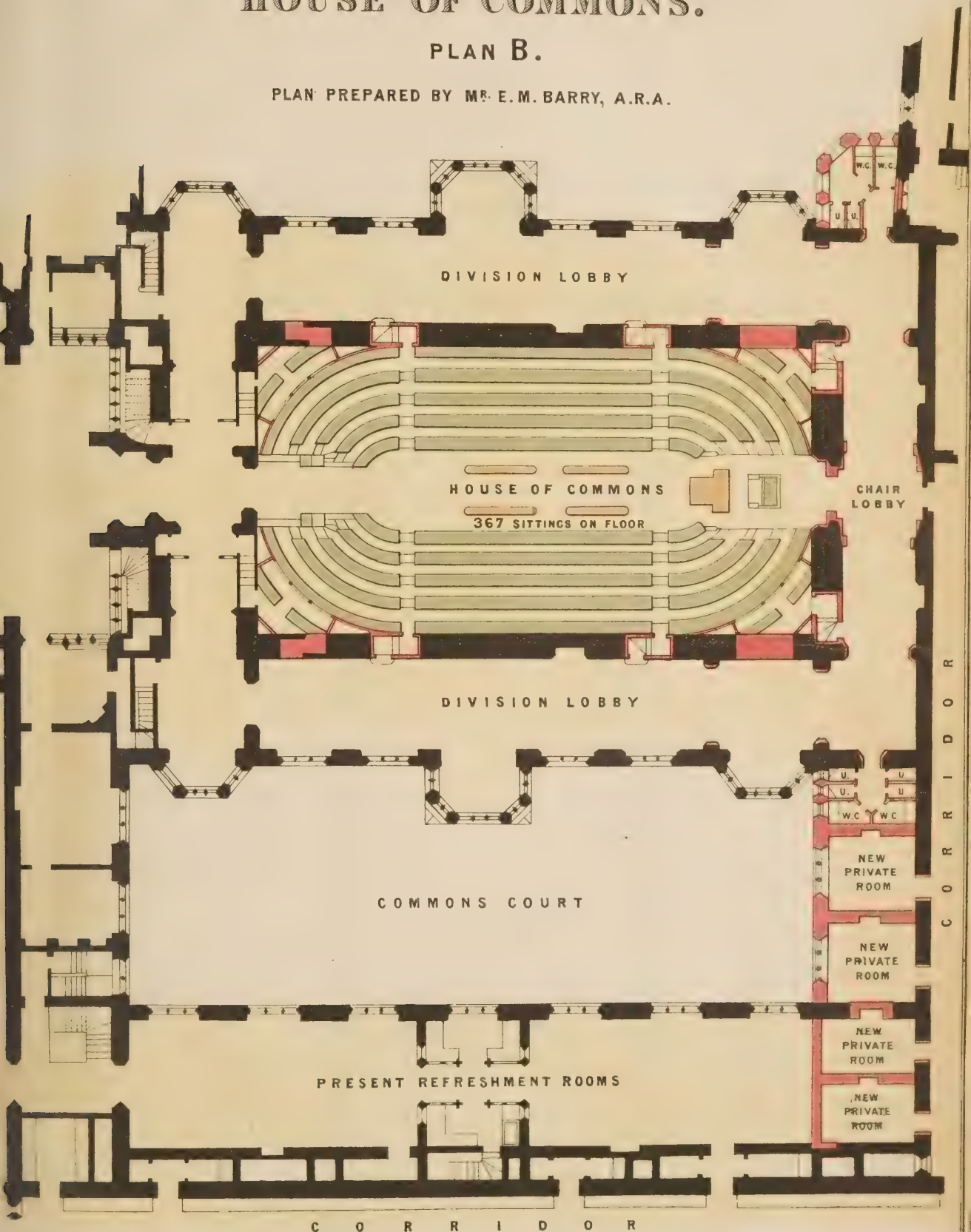
PLAN SHEWING CALLERIES.

10 5 0 10 20 30 40 50 FEET.

HOUSE OF COMMONS.

PLAN B.

PLAN PREPARED BY Mr. E. M. BARRY, A.R.A.



PLAN OF HOUSE FLOOR.

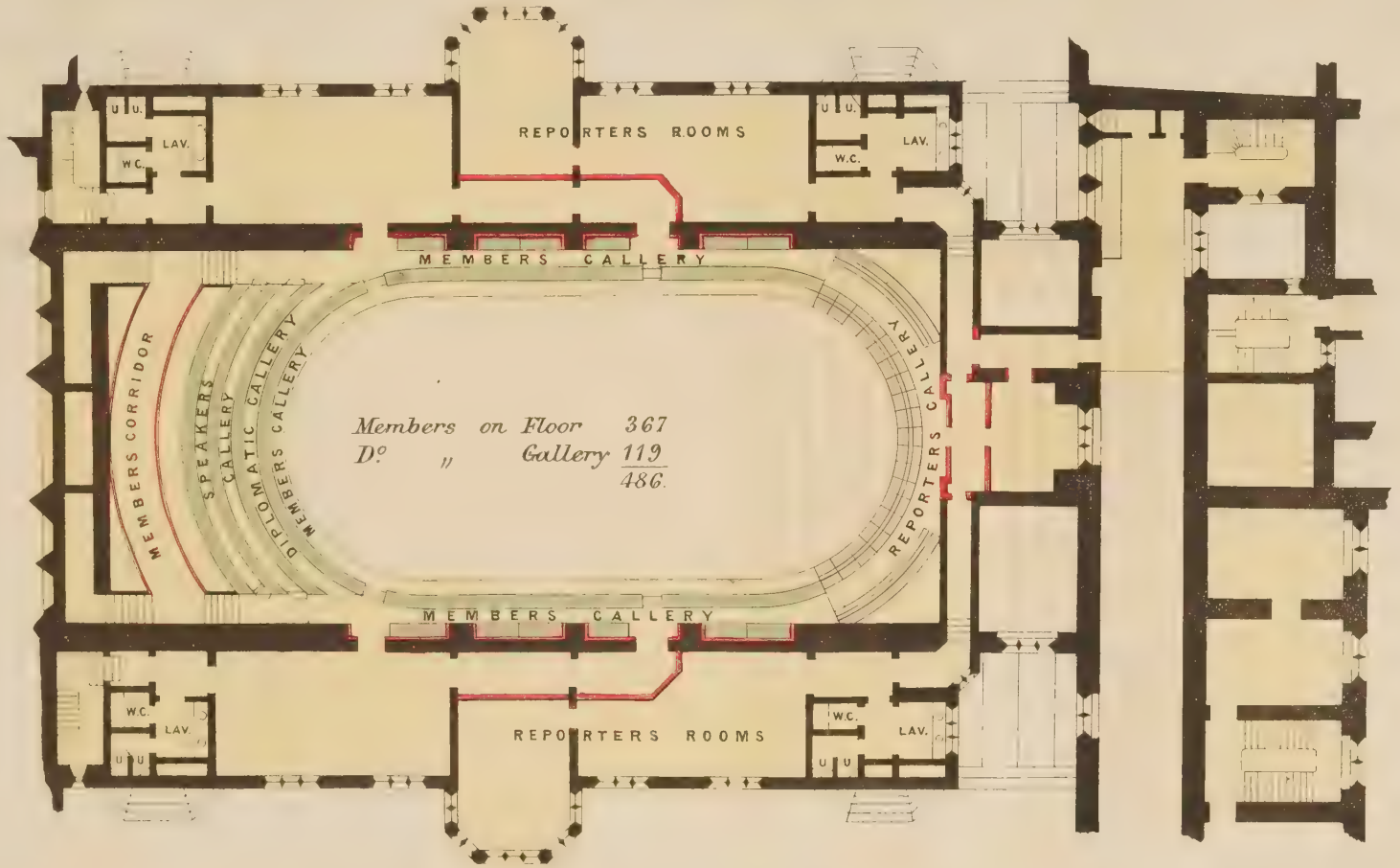
SCALE.

10 5 0 10 20 30 40 50 60 70 80 90 100 FEET

HOUSE OF COMMONS.

PLAN B.

PLAN PREPARED BY Mr. E.M. BARRY, A.R.A.



PLAN SHEWING MEMBERS, DIPLOMATIC, AND REPORTERS GALLERY.

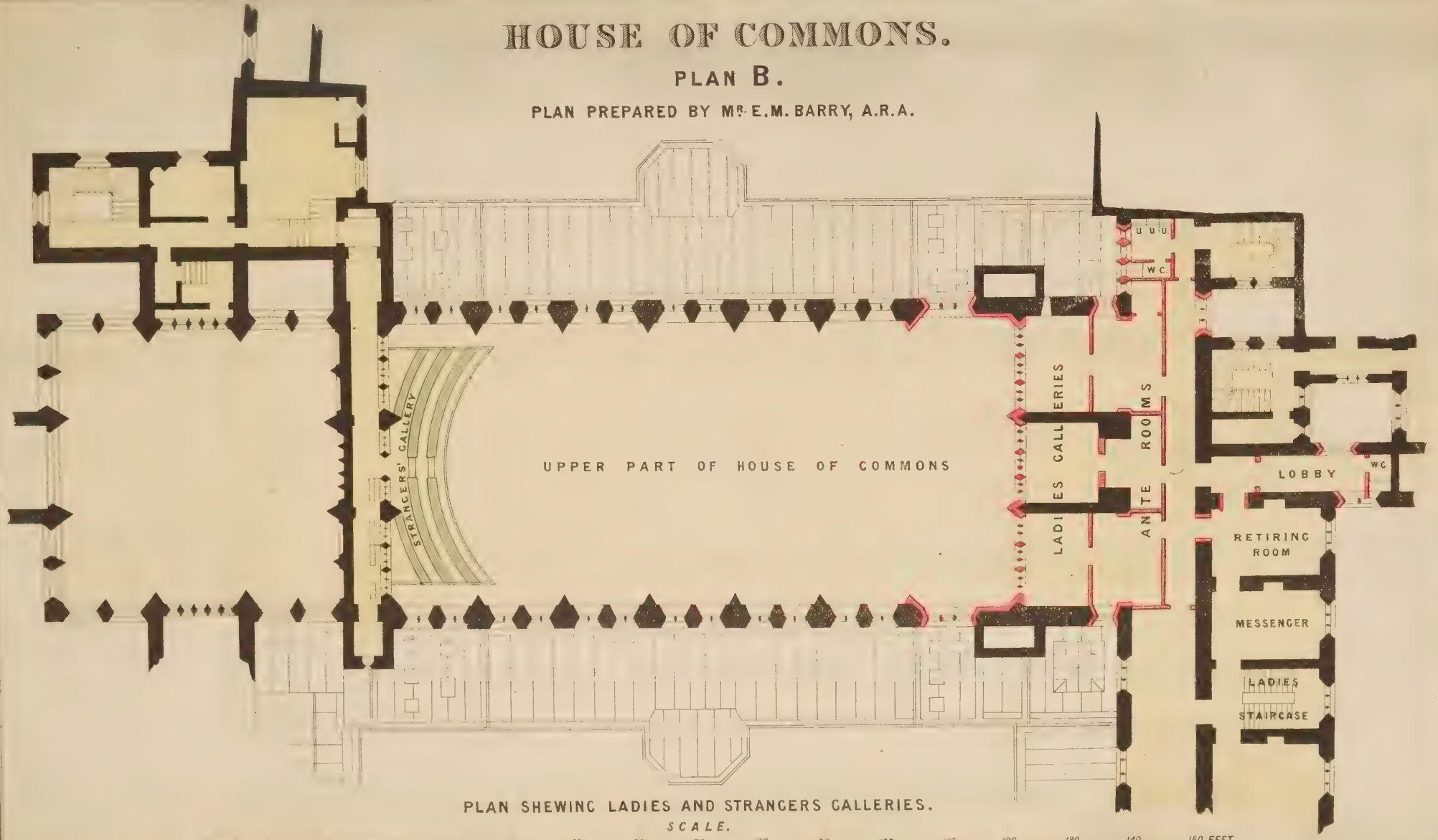
SCALE.

10 5 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 FEET.

HOUSE OF COMMONS.

PLAN B.

PLAN PREPARED BY Mr. E.M. BARRY, A.R.A.



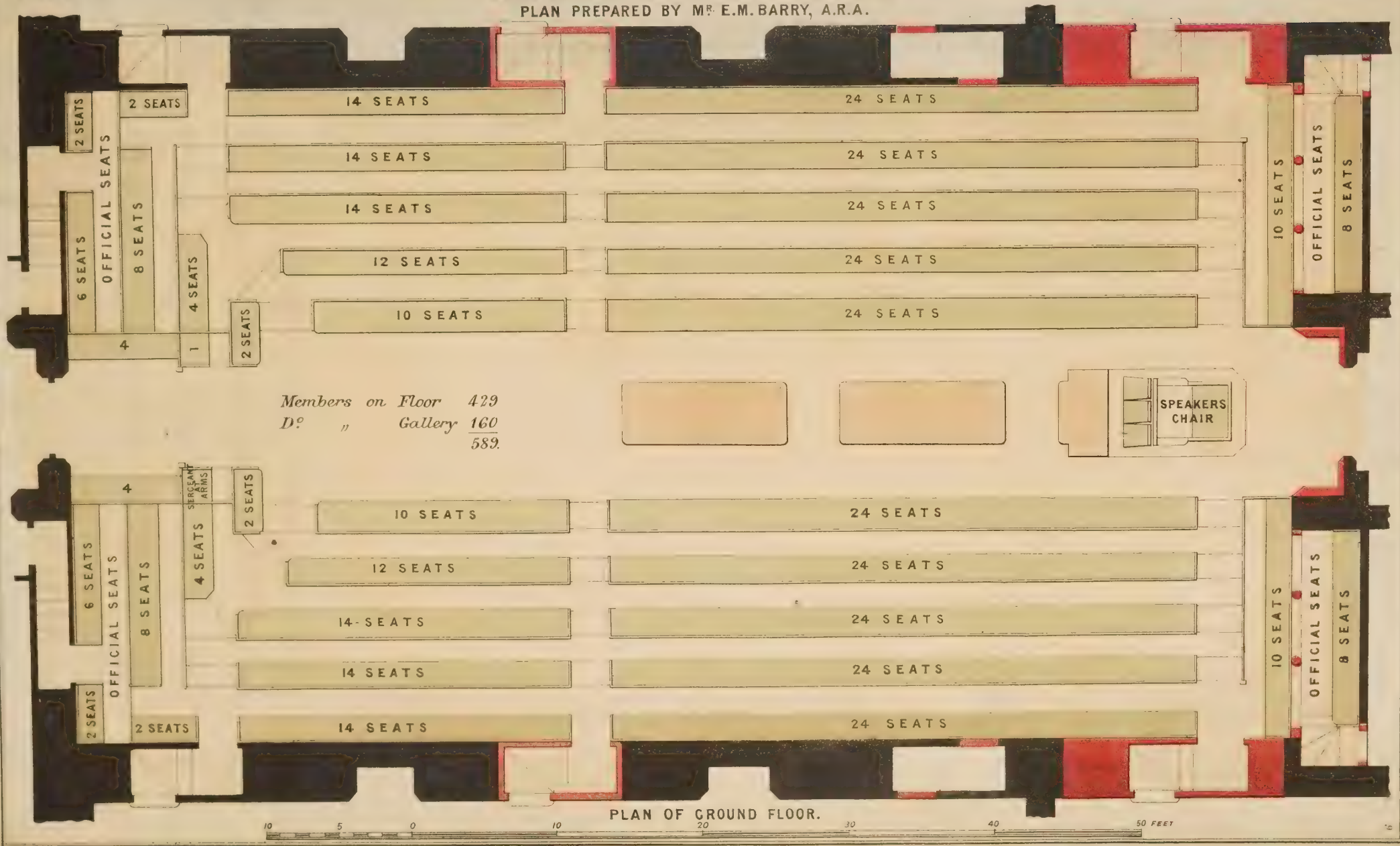
PLAN SHEWING LADIES AND STRANGERS GALLERIES.

SCALE.

PLAN C.

HOUSE OF COMMONS.

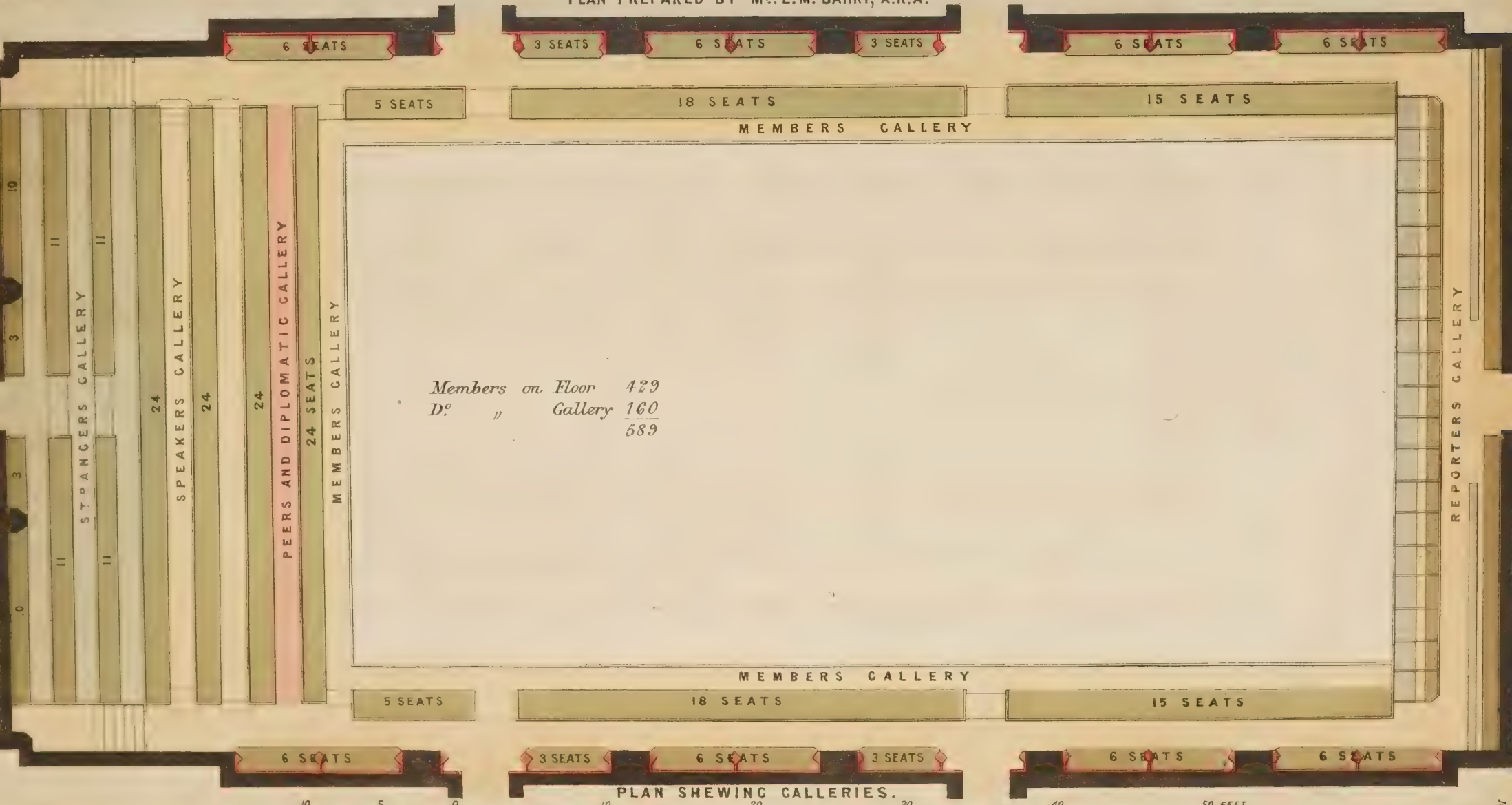
PLAN PREPARED BY Mr. E.M. BARRY, A.R.A.



PLAN C.

HOUSE OF COMMONS.

PLAN PREPARED BY Mr. E.M. BARRY, A.R.A.

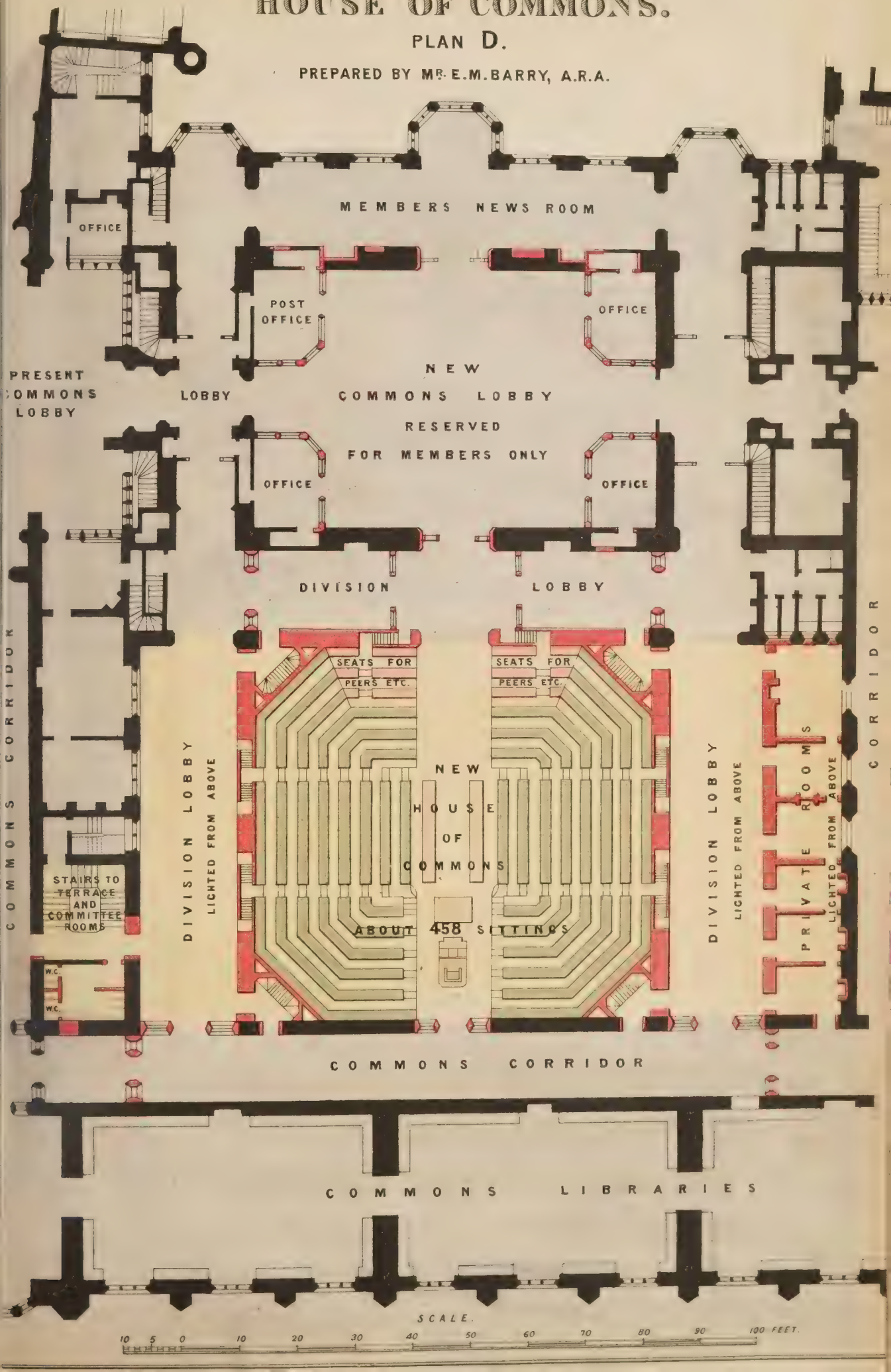


PLAN SHEWING GALLERIES.

HOUSE OF COMMONS.

PLAN D.

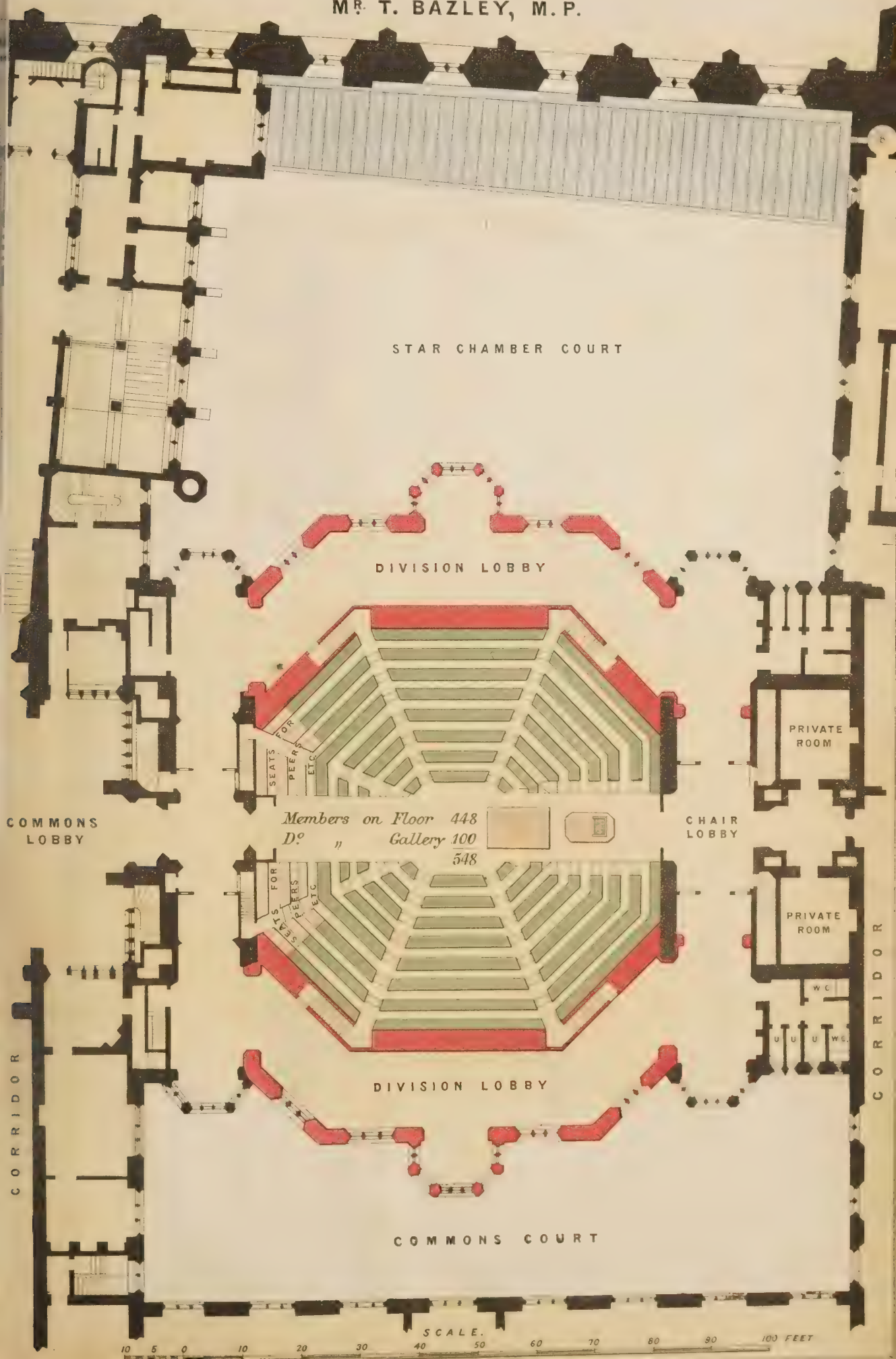
PREPARED BY MR. E.M. BARRY, A.R.A.



HOUSE OF COMMONS.

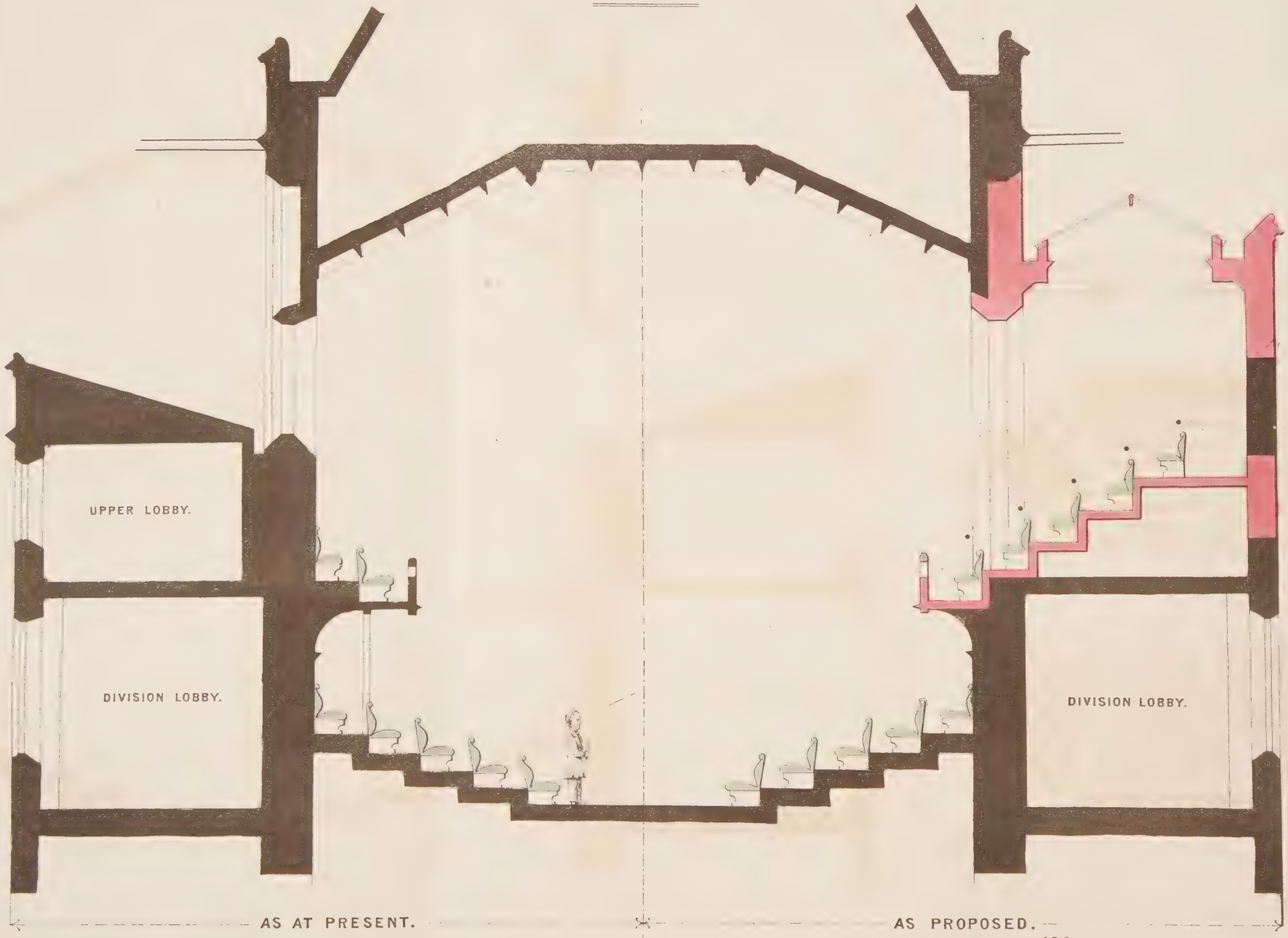
PLAN E FOR A NEW HOUSE BY

Mr. T. BAZLEY, M.P.



HOUSE OF COMMONS.

SECTION ACCORDING TO A PLAN FOR THE ALTERATION
OF THE PRESENT HOUSE SUGGESTED BY
MR. T. BAZLEY, M. P.



AS AT PRESENT.

AS PROPOSED.
INCREASE OF SITTINGS 188.

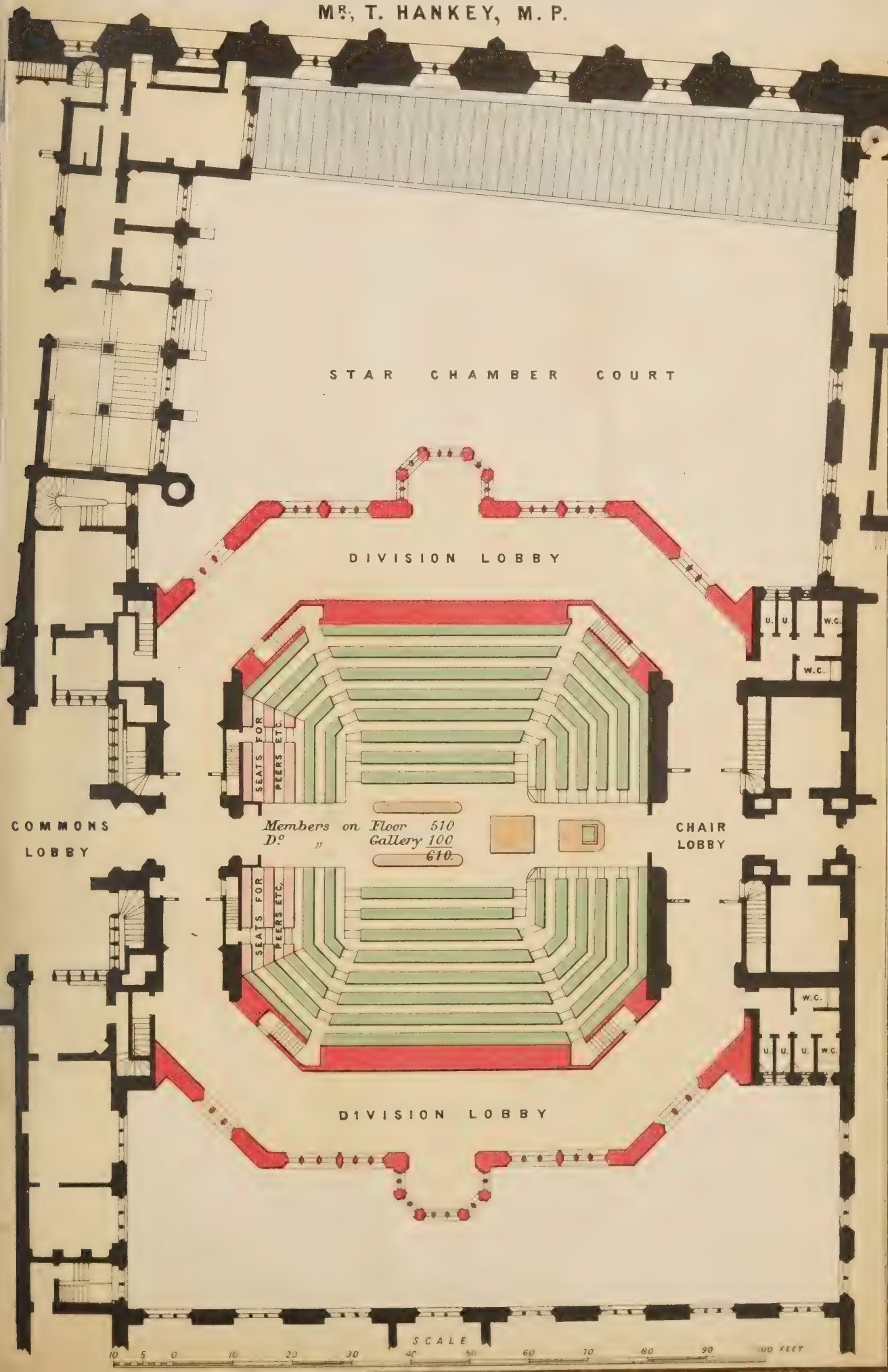
SCALE.

10 5 0 10 20 30 40 50 FEET

HOUSE OF COMMONS.

PLAN F FOR A NEW HOUSE BY

Mr. T. HANKEY, M. P.



REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSE OF COMMONS (ARRANGEMENTS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1867.

[*Price* 4 *s.*]

451.

Under 8 *oz.*

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
5 *June* 1867.

351.

Thursday, 7th February 1867.

Ordered, THAT a Standing Committee be appointed to Control the Arrangements of the Kitchen and Refreshment Rooms, in the Department of the Serjeant-at-Arms attending this House:

Committee nominated of—

Colonel French.	General Dunne.
Lord Robert Montagu.	Mr. Alderman Lawrence.
Mr. Dalglish.	Mr. Robertson.
Mr. Onslow.	Captain J. C. W. Vivian.
Mr. Adam.	

Ordered, THAT Three be the Quorum of the Committee.

Wednesday, 5th June 1867.

Ordered, THAT the Committee have power to Report their Observations from time to time to The House.

REPORT - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - p. iv

FIRST REPORT.

THE SELECT COMMITTEE appointed to Control the Arrangements of the KITCHEN and REFRESHMENT ROOMS, in the Department of the SERJEANT-AT-ARMS attending The HOUSE;——HAVE agreed to the following REPORT:—

THAT they are of opinion that the present Dining Rooms are inadequate for the requirements of the Members, and they desire to impress upon the House the necessity of increasing the accommodation as soon as possible.

That during the present Session, up to the end of May, 6,412 dinners have been served to Members; on several evenings upwards of 200 Members have dined; and many others who had intended to dine, have been compelled, from want of room, to go elsewhere.

That your Committees have frequently reported that the accommodation is insufficient, and have had plans suggested to them for enlarging the Dining Rooms and Offices, which have also been reported to the House.

That Mr. Barry has now suggested a new plan for improving the accommodation, viz., by converting the present Conference and adjoining Committee Rooms into a large Dining Room for both Houses of Parliament, in lieu of their present separate Dining Rooms, which could be used for Tea Rooms, or for other purposes; and they are of opinion that this plan is preferable to any yet produced before your Committees, and, from inquiries they have made, they have reason to believe that such an arrangement would give general satisfaction.

That the Committee have requested Mr. Barry to place a plan of the proposed improvements in the Library for the inspection of Members.

June 1867.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 12*th February* 1867.

MEMBERS PRESENT:

Colonel French.	Mr. Onslow.
Mr. Dalglish.	Captain Vivian.
Mr. Robertson.	Mr. Adam.

Colonel FRENCH was called to the Chair.

The Committee deliberated.

[Adjourned to Wednesday, 20th February, at half-past Twelve o'clock.

Wednesday, 20*th February* 1867.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Adam.	Mr. Robertson.
Captain Vivian.	Mr. Alderman Lawrence.
General Dunne.	Mr. Dalglish.

Mr. *E. M. Barry*, A. R. A., attended the Committee, and exhibited plans for making a new Dining Room on the site of the present Conference Room.

The Committee deliberated.

Resolved, "That this Committee approves of the plan proposed by Mr. Barry for converting the Conference Room and adjoining Committee Rooms into a Dining Room for the two Houses of Parliament, being preferable to any scheme yet proposed for improving the present Dining Rooms."

Resolved, "That the Wine Agency Company, 202, Piccadilly, be allowed to supply wines to the House of Commons, in addition to the wine merchants already appointed."

Resolved, "That the wine merchants should be restricted to supply only three varieties of each wine, with the exception of sherry, of which four varieties may be sent."

[Adjourned to Wednesday, 6th March, at Two o'clock.

Wednesday, 6*th March* 1867.

MEMBERS PRESENT:

Mr. Robertson.	Mr. Dalglish.
Mr. Adam.	Mr. Alderman Lawrence.

Mr. DALGLISH was called to the Chair.

The Committee deliberated.

Resolved, "That Messrs. Tod-Heatly & Co. be requested to continue to supply 'Cos d'Estournel Claret.'"

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 13*th March* 1867.

MEMBERS PRESENT:

Mr. DALGLISH in the Chair.

Captain Vivian.	Mr. Robertson.
Mr. Alderman Lawrence.	

The Committee deliberated.

[Adjourned to Wednesday, 27th March, at Two o'clock.

Wednesday, 27th March 1867.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

General Dunne.	Mr. Robertson.

The Committee deliberated.

[Adjourned to Wednesday, 10th April, at half-past One o'clock.

Wednesday, 10th April 1867.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Robertson.	Captain Vivian.
Mr. Adam.	General Dunne.

Mr *Lucas* handed in the following Statement of the Number of Members who had dined in the Dining Rooms of the House of Commons during the present Session up to 5th April:—

Feb.	5	27		Feb.	25	157		March	18	217	
	7	27			26	71			19	148	
	8	61	115		28	85			21	97	
				March	1	81	1,078		22	103	2,339
	11	104			4	73			25	197	
	12	38			5	102			26	120	
	14	29			7	109			28	144	
	15	48	334		8	103	1,465		29	96	2,896
	18	106			11	86		April	1	101	
	19	96			12	7			2	116	
	21	73			14	99			4	117	
	22	75	684		15	117	1,774		5	112	3,342

Resolved, "That the Serjeant-at-Arms be requested to send a requisition to the Office of Works for the articles required for the Kitchen and Refreshment Rooms, and also for the repair of certain articles."

[Adjourned to Wednesday, 1st May, at half-past Two o'clock.

Wednesday, 1st May 1867.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Robertson.	Mr. Alderman Lawrence.
Mr. Dalglish.	Captain Vivian.

The following communication from the Office of Works, complaining of the manner of using the hot-plate in the Kitchen, was considered by the Committee.

Office of Works, &c., S.W.,
27 April 1867.

Sir,

I AM directed by the First Commissioner of Her Majesty's Works, &c., to transmit to you herewith a copy of a letter which the Board have this day sent to Mr. H. Lucas, of the Refreshment Department of the House of Commons, respecting the hot-plate in the Kitchen of that Department.

I am, &c

R. A. Gosset, Esq. (signed) *Alfred Austin*, Secretary.

Office of Works, &c., S.W.,
27 April 1867.

Sir,

I AM directed by the First Commissioner of Her Majesty's Works, &c., to inform you that the Board have received a Report from their Assistant Surveyor, in which he states that much damage has been done to the hot-plate in the Kitchen of the Refreshment Department of the House of Commons, by putting large fires on the top of the cover instead of under it; and that there is also considerable danger of the ceiling catching fire from the great heat from the fires thus made. This practice is most objectionable; and I am to desire that the hot-plate may be used in a proper manner.

It appears that your attention, or that of your servants, has been on several occasions drawn to the subject by the Clerk of the Works.

I am, &c.

Mr. Lucas. (signed) *Alfred Austin*, Secretary.

Mr. *Lucas* examined.

Statement of Number of Members who dined during the Week ending 13th April:

April	8	198	
	9	144	
	11	201	
	12	162	
	TOTAL		4,047

[Adjourned to Wednesday, 15th May, at half-past Two o'clock.

Wednesday, 15*th May* 1867.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Alderman Lawrence.	General Dunne.
Captain Vivian.	Mr. Dalglish.

A letter was written to the First Commissioner of Works, enclosing an answer from Mr. Lucas to the complaints made of the use of the hot-plate, to which the following letter was received:—

Office of Works, &c., S.W.,
10 May 1867.

Sir,

I AM directed by the First Commissioner of Her Majesty's Works, &c., to acknowledge the receipt of your letter of the 6th instant, enclosing a letter of the 3rd instant from Mr. Lucas, respecting the use of the hot-plate in the Kitchen of the Refreshment Department of the House of Commons; and, in reply, I am to state, for the information of the Committee on Kitchen and Refreshment Rooms, that the Board have given directions for a broiling stove to be provided, of the want of which they had not received any previous intimation. In the meantime the Board again desire me to advert to the damage done to the hot-plate, and to the danger arising from its being improperly used, as mentioned in my letter to Mr. Lucas of the 27th ultimo.

I am, &c.

W. M. Molyneux, Esq. (signed) *Alfred Austin*, Secretary.

[Adjourned to Wednesday, 29th May, at half-past Two o'clock.

Wednesday, 29*th May* 1867.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Alderman Lawrence.	Mr. Dalglish.
Mr. Adam.	

A letter was received from Mr. Carnegie, complaining of the price charged at the bar for brandy and seltzer water.

Also from Messrs. Behrends Brothers, applying to supply the House of Commons with wine.

[Adjourned to Wednesday, 5th June, at Two o'clock.

Wednesday, 5th June 1867.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Dalglish.	Mr. Alderman Lawrence.
Mr. Adam.	Mr. Robertson.

Mr. *Lucas* handed in a Statement of the Number of Members who had dined since Easter up to the end of May, as follows:—

Up to Easter	-	-	4,047	May	5	168		May	20	138	
					6	115			21	64	
					8	175			23	129	
					9	12	5,010		24	76	5,893
April	29	132			12	147			27	212	
	30	75			13	77			28	34	
May	1	153			15	120			30	193	
	2	133	4,540		17	132	5,486		31	26	6,412

Report brought up, and read a first and second time, as follows:—

"That they are of opinion that the present Dining Rooms are inadequate for the requirements of Members, and they desire to impress upon the House the necessity of increasing the accommodation as soon as possible.

"That during the present Session, up to the end of May, 6,412 dinners have been served to Members; on several evenings upwards of 200 Members have dined; and many others who had intended to dine, have been compelled, from want of room, to go elsewhere.

"That your Committees have frequently reported that the accommodation is insufficient, and have had plans suggested to them for enlarging the Dining Rooms and Offices, which have also been reported to the House.

"That Mr. Barry has now suggested a new plan for improving the accommodation, viz., by converting the present Conference and adjoining Committee Rooms into a large Dining Room for both Houses of Parliament, in lieu of their present separate Dining Rooms, which could be used for Tea Rooms, or for other purposes; and they are of opinion that this plan is preferable to any yet produced before your Committees, and, from inquiries they have made, they have reason to believe that such an arrangement would give general satisfaction.

"That the Committee have requested Mr. Barry to place a plan of the proposed improvements in the Library for the inspection of Members."

Report agreed to.

Ordered, to report.

[Adjourned to Wednesday, 29th June, at Two o'clock.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
5 June 1867.

351.

Under 1 *oz.*

FIRST

REPORT

FROM THE

SELECT COMMITTEE APPOINTED TO JOIN WITH A COMMITTEE OF THE HOUSE OF LORDS

ON

PARLIAMENTARY DEPOSITS.

Ordered, by The House of Commons, *to be Printed,*
11 *July* 1867.

Monday, 24*th June* 1867.

Ordered, THAT a Select Committee of Five Members be appointed to join with the Select Committee appointed by the House of Lords, as mentioned in their Lordships' Message of the 21st day of June, to consider the Act 9 & 10 Vict. c. 20, and the Standing Orders of both Houses in relation to Parliamentary Deposits, and the completion of Railways within a prescribed time, and to report what alterations it is expedient to make therein for the present and for the ensuing Session.

Wednesday, 26*th June* 1867.

Ordered, THAT the Select Committee on Parliamentary Deposits do consist of the following Members:—

Mr. Dodson.	Mr. Bouverie.
Lord Hotham.	Mr. Howes.
Mr. Milner Gibson.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Three be the Quorum of the Committee.

Monday, 8*th July* 1867.

Ordered, THAT the Select Committee appointed to join with the Select Committee appointed by the Lords to consider the Act 9 & 10 Vict. c. 20, and the Standing Orders of both Houses in relation to Parliamentary Deposits, and the completion of Railways within a prescribed time, and to report what alterations it is expedient to make therein for the present and for the ensuing Session, do meet the Lords' Committee in the Painted Chamber upon Thursday next, at Twelve of the clock.

Ordered, THAT the said Select Committee appointed to join with the Select Committee of the Lords, have power to agree in the appointment of a Chairman of such joint Committee.

Thursday, 11*th July* 1867.

Ordered, THAT the Committee have power to report their Observations from time to time to The House.

REPORT.

THE SELECT COMMITTEE appointed to join with the Select Committee appointed by the House of Lords, as mentioned in their Lordships' Message of the 21st day of June, to consider the ACT 9 & 10 Vic. c. 20, and the STANDING ORDERS of both Houses in relation to PARLIAMENTARY DEPOSITS, and the completion of RAILWAYS within a prescribed time, and to report what alterations it is expedient to make therein for the present and for the ensuing Session:—HAVE made progress in the Matters to them referred, and have agreed to the following FIRST REPORT:—

THAT this Committee is of opinion, that it is desirable that a common Standing Order should be agreed on. That such Standing Order should aim at making the system of deposits efficient for securing the completion of Lines within a prescribed time, and for compensating parties aggrieved by the failure of the Company to carry out its undertaking.

The Committee are therefore of opinion, that while it is uncertain what such Order may require, it is expedient that the progress of Bills of the present Session should be no longer delayed, but be allowed to proceed, subject to the conditions required in former Sessions.

11 July 1867.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 11*th July* 1867.

PRESENT:

The Duke of Richmond.	Lord Hotham.
Viscount Eversley.	Mr. Bouverie.
Lord Redesdale.	Mr. Dodson.
Lord Portman.	Mr. Milner Gibson.
Lord Stanley of Alderley.	Mr. Howes.

Order of the House, 8th July, read, as follows:—

"*Ordered*, That the Select Committee appointed to join with the Select Committee appointed by The Lords to consider the Act 9 & 10 Vic. c. 20, and the Standing Orders of both Houses in relation to Parliamentary Deposits, and the completion of Railways within a prescribed time, and to report what alterations it is expedient to make therein for the present and for the ensuing Session, do meet the Lords' Committee in the Painted Chamber upon Thursday next, at Twelve of the clock:—To be communicated to The Lords.

"*Ordered*, That the said Select Committee appointed to join with the Select Committee of The Lords, have power to agree in the appointment of a Chairman of such Joint Committee."

The Duke of *Richmond* was called to the Chair.

The Committee deliberated.

Motion made, and Question proposed, "That this Committee is of opinion that it is desirable that a common Standing Order should be agreed upon. That such Standing Order should aim at making the system of deposits efficient for securing the completion of lines within a prescribed time, and for compensating parties aggrieved by the failure of the company to carry out its undertaking"—(Mr. *Dodson*).—Question put, and agreed to.

Motion made, and Question proposed, "The Committee are therefore of opinion, that while it is uncertain what such order may require, it is expedient that the progress of Bills of the present Session should be no longer delayed, but be allowed to proceed, subject to the conditions required in former Sessions"—(Viscount *Eversley*).—Question put, and agreed to.

Question, That this be the first Report of the Committee—put, and agreed to.

Ordered, That Mr. *Dodson* be instructed to make the said first Report to the House of Commons.

[Adjourned to Thursday next, at half-past One o'clock.

FIRST

REPORT

FROM THE

SELECT COMMITTEE APPOINTED TO JOIN WITH
A COMMITTEE OF THE HOUSE OF LORDS

ON

PARLIAMENTARY DEPOSITS.

Ordered, by The House of Commons, *to be Printed,*
11 *July* 1867.

432.

Under 1 *oz.*

SECOND

REPORT

FROM THE

SELECT COMMITTEE APPOINTED TO JOIN WITH A COMMITTEE OF THE HOUSE OF LORDS

ON

PARLIAMENTARY DEPOSITS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
6 *August* 1867.

Monday, 24*th June* 1867.

Ordered, THAT a Select Committee of Five Members be appointed to join with the Select Committee appointed by the House of Lords, as mentioned in their Lordships' Message of the 21st day of June, to consider the Act 9 & 10 Vict. c. 20, and the Standing Orders of both Houses in relation to Parliamentary Deposits, and the completion of Railways within a prescribed time, and to report what alterations it is expedient to make therein for the present and for the ensuing Session.

Wednesday, 26*th June* 1867.

Ordered, THAT the Select Committee on Parliamentary Deposits do consist of the following Members:—

Mr. Dodson.	Mr. Bouverie.
Lord Hotham.	Mr. Howes.
Mr. Milner Gibson.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Three be the Quorum of the Committee.

Monday, 8*th July* 1867.

Ordered, THAT the Select Committee appointed to join with the Select Committee appointed by the Lords to consider the Act 9 & 10 Vict. c. 20, and the Standing Orders of both Houses in relation to Parliamentary Deposits, and the completion of Railways within a prescribed time, and to report what alterations it is expedient to make therein for the present and for the ensuing Session, do meet the Lords' Committee in the Painted Chamber upon Thursday next, at Twelve of the clock.

Ordered, THAT the said Select Committee appointed to join with the Select Committee of the Lords, have power to agree in the appointment of a Chairman of such joint Committee.

Thursday, 11*th July* 1867.

Ordered, THAT the Committee have power to report their Observations from time to time to The House.

SECOND REPORT.

THE SELECT COMMITTEE appointed to join with the Select Committee appointed by the House of Lords, as mentioned in their Lordships' Message of the 21st day of June, to consider the Act 9 & 10 Vict. c. 20, and the STANDING ORDERS of both Houses in relation to PARLIAMENTARY DEPOSITS, and the Completion of RAILWAYS within a prescribed time, and to report what Alterations it is expedient to make therein for the present and for the ensuing Session;——HAVE made further progress in the Matters to them referred, and have agreed to the following SECOND REPORT:—

THE Committee recommend that the following Standing Orders should be adopted by both Houses:—

IN every Railway Bill, whereby the construction of any new line of railway is authorised, or the time for completing any line already authorised is extended, promoted by an existing railway company which is possessed of a railway already opened for public traffic, and which has, during the year last past, paid dividends on its ordinary share capital, and which does not propose to raise under the Bill a capital greater than its existing authorised capital, there shall be inserted a clause to the following effect, viz,:—

(A.) If the company fail within the period limited by this Act to complete the railway authorised to be made by this Act, the company shall be liable to a penalty of Fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to Five per cent. on the estimated cost of the works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the 3rd section of the Act 17 & 18 Vict. c. 31, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said 3rd section of the Act 17 & 18 Vict. c. 31, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England [the Queen's Remembrancer of the Court of Exchequer in Scotland, or the Accountant General of the Court of Chancery in Ireland (according as the railway is situate in England, Scotland, or Ireland,)] in the bank named in such order, and shall not be paid thereout except as hereinafter provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

In every Railway Bill whereby the construction of any new line is authorised, or the time for completing any line already authorised is extended; if such Bill be promoted by an existing railway company which is not possessed of a railway already opened for public traffic, or which has not during the year last past paid dividends on its ordinary share capital; or by an existing railway company

company when the capital to be raised under the Bill is greater than the existing authorised capital of the company; or by persons not already incorporated; there shall be inserted a clause to the following effect, viz.: —

(B.) Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the 9th and 10th years of Her present Majesty, c. 20, a sum of £. , being Five per cent. upon the amount of the estimate in respect of the railway authorised by this Act, has been deposited with the Court of Chancery in England [or with the Court of Exchequer in Scotland, or the Court of Chancery in Ireland, as the case may be], [or Exchequer bills, stocks, or funds to the amount of £. , have been deposited or transferred pursuant to the said Act, as the case may be], in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said recited Act, the said sum of £. [or the said Exchequer bills, or other funds as the case may be] so deposited [or transferred] as aforesaid, in respect of the application for this Act, shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the said Company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorised to be made, either open the said railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said company have paid up one-half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if the said period shall expire before the said company shall either have opened the said railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money [Exchequer bills, stocks, or funds] deposited [or transferred] as aforesaid, shall be applied in the manner hereinafter specified; and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid, shall be sufficient evidence of the fact so certified; and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

In every Railway Bill whereby the construction of any new line of railway is authorised, or the time for completing any line already authorised is extended, the following clauses shall be inserted, in the order in which they are here placed, immediately after that one of the two last preceding clauses which shall have been inserted in the Bill; viz.,—

(C.) The said sum of money [Exchequer bills, stocks, or funds] deposited [or transferred] as aforesaid, [or, every sum of money so recovered by way of penalty, as aforesaid], shall be applicable, and, after due notice in the "London Gazette" [or "Edinburgh" or "Dublin Gazette," as the case may require], shall be applied towards compensating any landowners or other persons whose property may have been interfered with, or otherwise rendered less valuable, by the commencement, construction, or abandonment of the said railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in England [or Court of Exchequer in Scotland], or [Court of Chancery in Ireland, as the case may be] may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money [Exchequer bills, stocks, or funds] [or of the sum or sums of money so recovered by way of penalty as aforesaid] shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money [Exchequer bills, stocks, or funds] [or the said sum or sums of money recovered by way of penalty], or such portion thereof as may not be required as aforesaid, shall be paid [or transferred] to or on the application of the person or persons, or the majority of the persons named in such warrant or order as aforesaid, or the survivor or survivors of them [or the Company from whom such penalty was recovered

recovered]: Provided that until the said sum of money [Exchequer bills, stocks, or funds] shall have been repaid to the depositors, or shall have become otherwise applicable as hereinbefore mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

N.B.—*If the clause lettered* (A.) *is inserted in the Bill, the proviso at the end of the clause lettered* (C.) *shall be omitted.*

(D.) If the railway authorised by this Act shall not be completed within the period limited by this Act [such period not to exceed five years in the case of a new line, and three years in the case of the extension of time for completing any line], then, on the expiration of such period, the powers by this Act granted to the Company for making and completing the said railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

In any Railway Bill to which the preceding provisions are not applicable, the Committee on the Bill shall make such other provision as they shall deem necessary for ensuring the completion of the line of railway.

6 August 1867.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 25th July 1867.

PRESENT:

The Duke of RICHMOND in the Chair.

Viscount Eversley.	Colonel Wilson Patten.
Lord Redesdale.	Mr. Dodson.
Lord Portman.	Mr. Bouverie.
Lord Stanley of Alderley.	Mr. Milner Gibson.
	Mr. Howes.

The Committee deliberated.

Motion made, and Question proposed, "That it is expedient that the Deposit be a Subscription to the Undertaking"—(Lord *Redesdale*).—Question put.—The Committee divided:

Contents (2.)	Non-Contents (8.)
Lord Redesdale.	Duke of Richmond.
Viscount Eversley.	Lord Portman.
	Lord Stanley of Alderley.
	Colonel Wilson Patten.
	Mr. Dodson.
	Mr. Milner Gibson.
	Mr. Howes.
	Mr. Bouverie.

Motion made, and Question proposed, "That the money deposited shall not be released on bond"—(Lord *Portman*).—Question put.—The Committee divided:

Contents (6.)	Non-Contents (4.)
Duke of Richmond.	Lord Stanley of Alderley.
Lord Eversley.	Mr. Dodson.
Lord Portman.	Mr. Milner Gibson.
Lord Redesdale.	Colonel Wilson Patten.
Mr. Howes.	
Mr. Bouverie.	

Motion made, and Question proposed, "That the amount of the deposit be 'five' per cent. on the estimated cost of the works"—(Mr. *Dodson*).—Question put.—The Committee divided:

Contents (6.)	Non-Contents (3.)
Duke of Richmond.	Lord Eversley.
Lord Stanley of Alderley.	Lord Redesdale.
Mr. Milner Gibson.	Colonel Wilson Patten.
Mr. Bouverie.	
Mr. Howes.	
Mr. Dodson.	

Proposed new Standing Orders read, paragraph by paragraph.

Amendments made.

[Adjourned till Saturday next, at Eleven o'clock.

Saturday, 27th July 1867.

PRESENT:

The Duke of RICHMOND in the Chair.

Viscount Eversley.	Mr. Bouverie.
Lord Redesdale.	Mr. Howes.
Lord Portman.	Mr. Milner Gibson.
Lord Stanley of Alderley.	Colonel Wilson Patten.
	Mr. Dodson.

Proposed new Standing Orders further considered. Amendments made.

Proposed new Standing Orders, as amended, *agreed to.*

Second Report, read, and agreed to.

Ordered, That Mr. *Dodson* be instructed to make the said Second Report to the House of Commons.

SECOND

REPORT

FROM THE

SELECT COMMITTEE APPOINTED TO JOIN WITH A COMMITTEE OF THE HOUSE OF LORDS

ON

PARLIAMENTARY DEPOSITS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
6 *August* 1867.

511.

Under 1 *oz.*

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have formed certain Private Bills into Groups, and have agreed to Report the same to the House, as follows:

GROUP A.

Bilston Roads.
Cardiff and Penarth Road.
Deddington and Kidlington Road.
Ford and Lowick Roads.
Launceston Roads.
Orkney Roads.
Poole Roads.
Selkirkshire Roads.

GROUP B.

Barnsley Gas.
Hartlepool Gas and Water.
Newcastle-upon-Tyne and Gateshead Gas.
South Shields Gas.
Tynemouth Parish Gas.

GROUP C.

Eton Gas.
Hampton Court United Gas.
Rochester, Chatham, and Stroud Gas.
Sutton, Southcoates, and Drypool Gas.
Woolton Gas.

GROUP D.

Sheffield Water (Amendment).
Sheffield Water (Consumers).
Sheffield Water (New Works).

GROUP E.

Manchester Corporation Water.
Salford Borough.
Southport Improvement Water.
Southport Water.
St. Helen's Water.
Stockport Corporation Water.

GROUP F.

Dewsbury, Batley, and Heckmondwike Water.
Keighley Water.
Leeds Corporation Water.
Wolverhampton New Water.

GROUP G.

Bingley Extension and Improvement.
Nottingham Improvement.
Otley Local Board.
Sheffield Assize Court.

GROUP H.

Birkenhead Improvement Commissioners.
Liverpool Improvement.
Sunderland Extension and Improvement.
Sunderland Ferry.
Wallasey Improvement.

GROUP I.

Brierly Hill, Quarry Bank, &c., Improvement.
Farnworth Park and Improvement.
Heywood Improvement.
Hull Docks.
Norwich Local Board of Health.

GROUP K.

Greenwich and South Eastern Docks.
Horsey Island Reclamation.
Ipswich Fishery.
West Ham Local Board.

GROUP L.

Middle Level Drainage.
Tees Conservancy.

GROUP M.

Belfast Borough.
Dalkey Township.
Limerick Harbour.
Sligo Borough Improvement.

GROUP N.

Ayr Water.
Dartford Water.
Kirkcaldy and Dysart Water.
Peterborough Water.

COMMITTEE OF SELECTION.

FIRST

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1867.

78. *Under* 1 *oz.*

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made certain alterations in the Groups already formed, and which they have agreed to Report to the House, as follows:

GROUP G.

They have withdrawn the—

Sheffield Assize Court.

GROUP M.

They have withdrawn the—

Limerick Harbour.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons. *to be Printed,*
26 *February* 1867.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made certain alterations in the Groups of Bills already formed, and have referred to the Court of Referees certain Gas and Water Bills, in pursuance of the Instruction of the House, and have agreed to Report the same to the House, as follows:

GROUP B.

They have withdrawn the—

Barnsley Gas.

They have added the—

Dundee Gas.
Dundee Gas and Dundee New Gas Company.
Dundee New Gas.

GROUP C.

They have withdrawn the—

Hampton Court United Gas.

GROUP E.

They have added the—

Mersey Docks and Harbour Board.
Widnes Gas, Water, and Improvement.

GROUP L.

They have added the—

Greenock Harbour.
Towns Drainage and Sewage Utilisation.

They have referred to the Court of Referees—

Newcastle-upon-Tyne and Gateshead Gas. South Shields Gas. Tynemouth Parish Gas.	From Group B.
Sutton, Southcoates, and Drypool Gas. Woolton Gas.	From Group C.
Sheffield Water (Amendment). Sheffield Water Consumers. Sheffield Water (New Works).	From Group D.
Southport Improvement Water. Southport Water. St. Helen's Water. Stockport Corporation Water.	From Group E.
Dewsbury, Batley, and Heckmondwike Water. Leeds Corporation Water.	From Group F.
Ayr Water. Kirkcaldy and Dysart Water. Peterborough Water.	From Group N.
Cambridge Gas. Mold Gas and Water.	

COMMITTEE OF SELECTION.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
5 *March* 1867.

78—II.

Under 1 *oz.*

FOURTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made alterations in the Groups of Bills already formed, have formed additional Groups, have referred certain Gas and Water Bills to the Court of Referees, and have agreed to Report the same to the House, as follows:

GROUP K.

They have withdrawn the—

Horsey Island Reclamation.
West Ham Local Board of Health.

GROUP O.

Holborn Valley Improvement.
Thames Navigation.

GROUP P.

Thames Embankment (Chelsea).
Thames Embankment (North) Approaches.
Park Lane Improvement.

GROUP Q.

Gaslight and Coke Company.
Imperial Gas.

They have referred to the Court of Referees the—

Plymouth Corporation Water, &c.
Weymouth Consumers' Gas.

FOURTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
12 *March* 1867.

78.—III.

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made an alteration in a Group of Bills already formed, and have agreed to Report the same to the House, as follows:

GROUP M.

They have withdrawn the—

Belfast Borough.
Dalkey Township.

COMMITTEE OF SELECTION.

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
29 *March* 1867.

78.—IV.

SIXTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made alterations in the Groups of Bills already formed, and have agreed to Report the same to the House, as follows:

GROUP H.

They have withdrawn the—

Wallasey Improvement.

GROUP E.

They have added the—

Wallasey Improvement.

SIXTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
5 *April* 1867.

SEVENTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have formed additional Groups of Private Bills, and have agreed to Report the same to the House, as follows:

GROUP R.

Belfast Borough.

Dublin Port.

GROUP S.

Lombard Street Improvement.

Wandsworth Bridge.

COMMITTEE OF SELECTION.

SEVENTH

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
3 *May* 1867.

78—VI.

EIGHTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made an alteration in the Groups of Private Bills already formed, and have agreed to Report the same to the House, as follows:

GROUP S.

They have added the—

Welland River Outfall.

Witham Drainage.

COMMITTEE OF SELECTION.

EIGHTH REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
14 *June* 1867.

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have formed the following Bills into Groups, and have agreed to report the same to The House:

ENGLAND.

Group 1.

Read 2°.	
13 Feb.	1. Crystal Palace and East London High Level Junction Railway.
13 Feb.	2. Great Northern Railway.
13 Feb.	3. Metropolitan Railway.
13 Feb.	4. North London Railway.
18 Feb.	5. North Metropolitan Railway.
18 Feb.	6. North Western and Charing Cross Railway.
13 Feb.	7. London, Brighton, and South Coast Railway.
13 Feb.	8. South Eastern Railway.
18 Feb.	9. Surrey and Sussex Junction Railway.
	10. Weald of Kent Railway.
	11. West Sussex Junction Railway.
18 Feb.	12. Southsea Railway.

Group 2.

13 Feb.	1. Bristol and Exeter Railway (Exe Valley Railways).
13 Feb.	2. Bristol and Exeter Railway (Further Powers).
	3. Bristol and North Somerset Railway.
	4. Bristol Port Railway and Pier.
	5. Great Western and Bristol and North Somerset Railways (New Lines).

Read 2°.

6. Great Western and Bristol and North Somerset Railways (Sale of Lease).
20 Feb. 7. Central Cornwall Railway (No. 1.)
8. Central Cornwall Railway (No. 2.)
20 Feb. 9. Devon and Cornwall Railway.
18 Feb. 10. Great Western, Bristol and Exeter, &c., Railway Companies.

Group 3.

18 Feb. 1. Devon and Somerset, and Bristol and Exeter Railway Companies.
2. Devon and Somerset Railway.
3. Devon and Somerset Railway (Deviation).
4. Devon and Somerset Railway (Extension).
13 Feb. 5. Ilfracombe Railway.
13 Feb. 6. London and South Western Railway.

Group 4.

18 Feb. 1. Bedford and Northampton Railway.
13 Feb. 2. East Gloucestershire Railway.
15 Feb. 3. South Wales and Great Western Direct Railway.
13 Feb. 4. Wilts and Gloucestershire Railway.
13 Feb. 5. Great Eastern Railway (Steamboats).
13 Feb. 6. Great Eastern Railway.
13 Feb. 7. Midland and Eastern, Norwich and Spalding, &c. Railways.
13 Feb. 8. Tendring Hundred Railway.
13 Feb. 9. Wensum Valley Railway.

Group 5.

13 Feb. 1. Garstang and Knot End Railway.
13 Feb. 2. Skipton and Wharfdale Railway.
3. Blyth and Tyne Railway.
4. Tyne Improvement.

Group 6.

1. Barnoldswick Railway.
13 Feb. 2. Halifax and Ovenden Junction Railway.
13 Feb. 3. Idle and Shipley Railway.
18 Feb. 4. Lancashire and Yorkshire Railway.
5. Liverpool Tramways.
18 Feb. 6. London and North Western and Lancashire and Yorkshire Railway Companies.
13 Feb. 7. London and North Western and Midland Railway Companies (Huddersfield and Halifax Railway).
13 Feb. 8. London and North Western Railway (Buxton, Chapel-en-le-Frith, and Sheffield Railway).
13 Feb. 9. Manchester, Sheffield, and Lincolnshire Railway.
13 Feb. 10. West Riding and Grimsby Railway.

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
21 *February* 1867.

73. +

Under 1 *oz.*

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

THE GENERAL COMMITTEE on RAILWAY and CANAL BILLS have formed the following Bills into Groups, and have agreed to report the same to The House:

Group 7.

Read 2°.	
18 Feb.	1. Birmingham and Sutton Coldfield Extension Railway.
13 Feb.	2. Drayton Junction Railway.
13 Feb.	3. London and North Western Railway (Ashby and Nuneaton Lines).
13 Feb.	4. London and North Western Railway (New Works, &c.)
13 Feb.	5. Midland Railway.
13 Feb.	6. Midland and Glasgow and South Western Railway Companies.
13 Feb.	7. North Staffordshire Railway.
13 Feb.	8. Tewkesbury and Malvern Railway.
13 Feb.	9. Wolverhampton and Walsall Railway.

Group 8.

13 Feb.	1. Carnarvon and Llanberis Railway.
25 Feb.	2. Carnarvonshire and Nantlle Railway Companies.
13 Feb.	3. Carnarvonshire Railway.
20 Feb.	4. Denbigh, Ruthin, and Corwen, and Mold and Denbigh Junction Railway Companies Amalgamation.
	5. Wrexham, Mold, and Connah's Quay Railway.

Group 9.

13 Feb.	1. Brecon and Merthyr Tydfil Junction Railway.
13 Feb.	2. Carmarthen and Cardigan Railway.
13 Feb.	3. Great Western Railway.
	4. Laugharne Railway.
18 Feb.	5. Llanelly Railway and Dock.
26 Feb.	6. Llynvi and Ogmore Railway.
25 Feb.	7. London and North Western Railway (New Lines).
13 Feb.	8. Neath and Brecon Railway.
	9. Neath and Brecon Railway and other Companies (Amalgamation, &c.)
13 Feb.	10. Rhymney Railway.
27 Feb.	11. Swansea Vale Railway.
13 Feb.	12. Swansea Vale Railway (Lease).

Group 10.

Read 2°

18 Feb.	3.	Caledonian Railway and Forth and Clyde Navigation Companies.
13 Feb.	4.	Caledonian Railway (Forfarshire Works, &c.)
13 Feb.	6.	Forth and Clyde Junction and Caledonian Railway Companies.
13 Feb.	7.	Great North of Scotland Railway.
13 Feb.	10.	North British Railway (Abandonment, &c.)
13 Feb.	11.	North British Railway (Carlisle Deviation).
18 Feb.	12.	Solway Junction Railway.

Group 11.

13 Feb.	1.	Belfast Central Railway.
22 Feb.	2.	Dublin Trunk Connecting Railway.
13 Feb.	3.	Dundalk and Greenore Railway.
18 Feb.	4.	Navan and Kingscourt Railway.
13 Feb.	5.	Newry and Armagh Railway.
13 Feb.	6.	Newry and Greenore Railway.
22 Feb.	7.	Waterford and Passage Railway and Ferry.
18 Feb.	8.	Waterford, New Ross, and Wexford Junction Railway.
	9.	West Cork Railway.

Group 12.

London, Chatham, and Dover Railway.

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
28 *February* 1867.

73—1.

Under 1 *oz.*

THIRD REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made the following alteration in the Groups already formed, and have agreed to report the same to The House:—

The West Sussex Junction Railway Bill is withdrawn from Group 1.

THIRD REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
14 *March* 1867.

73—II.

Under 1 *oz.*

FOURTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made the following alterations in the Groups already formed, and have agreed to report the same to The House:—

Group 7.

They have withdrawn the—

Drayton Junction Railway Bill.

Group 8.

They have added the—

Drayton Junction Railway Bill.

FOURTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
30 *April* 1867.

73.—III.

FIFTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made the following alteration in the Groups already formed, and have agreed to report the same to The House:—

The following Bills are added to—

Group 12.

London, Chatham, and Dover Railway (No. 2).
London, Chatham, and Dover Railway (No. 3).

FIFTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
13 *May* 1867.

73—IV.

SIXTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made the following alteration in the Groups already formed, and have agreed to report the same to The House:—

The London, Chatham, and Dover Railway (No. 4) Bill is added to Group 12.

SIXTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
21 *May* 1867.

73—V.

SEVENTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have formed the following Bills into a Group, and have agreed to report the same to The House:—

Group 13.

Read 2°.

May 29. Great Eastern Railway (Finance).

May 6. Kilkenny Junction Railway (Abandonment of Kilpurcell Branch) [*Lords*].

May 7. Ryde Station (Deviation) [*Lords*].

June 3. Hayling Railways [*Lords*].

SEVENTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
5 *June* 1867.

73—VI.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAYS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
17 *May* 1867.

302.

Thursday, 11*th April* 1867.

Ordered, That a Select Committee be appointed to inquire into the provisions made by Parliament for securing the completion of Railways within a prescribed time, and to report whether any and what alterations should be made in the Standing Orders of this House requiring such provisions, or the Act 9 Vict. c. 20.

Monday, 29*th April* 1867.

Committee nominated of,—

Colonel Wilson Patten.
Mr. Cave.
Mr. Goschen.
Mr. Bonham-Carter.
Mr. Dodson.
Mr. Woodd.
Mr. Whitbread.
Sir Colman O'Loghlen.
Colonel Packe.
Mr. Scholefield.
Sir Edward Colebrooke.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Friday, 17*th May* 1867.

Ordered, That the Committee have power to report their Observations from time to time to The House.

FIRST REPORT - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv

FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire into the Provisions made by Parliament for securing the COMPLETION of RAILWAYS within a prescribed time, and to report whether any and what alterations should be made in the STANDING ORDERS of this House requiring such Provisions, or the Act 9 Vict. c. 20 ;——HAVE made progress in the matters to them referred, and have agreed to the following FIRST REPORT:

YOUR COMMITTEE are of opinion that the Standing Orders of this House which regulate the provisions relating to securities for the completion of Railways, should be revised, with a view to the case of Bills to be introduced in future Sessions.

Your Committee are further of opinion, that it is inexpedient, considering the advanced period of the Session, and the probability of a review by Parliament of Railway Legislation, in other respects to make any alterations in the case of Bills of the present Session, in the provisions for securing the completion of Railways which have hitherto been adopted in Railway Acts.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 2nd May 1867.

MEMBERS PRESENT:

Mr. Dodson.	Mr. Bonham-Carter.
Mr. Goschen.	Colonel Wilson Patten.
Mr. Woodd.	Mr. Whitbread.
Colonel Packe.	Sir Colman O'Loghlen.
Sir E. Colebrooke.	

Colonel *Wilson Patten* was called to the Chair.

The Committee deliberated.

Motion made, and Question proposed, "That it is desirable to adjourn the consideration of any alteration of the Standing Orders with respect to Railways until the Committee have had an opportunity of considering the Report of the Railway Commission, which is not yet in the hands of Members"—(The *Chairman*).—Question put, and *agreed to.*

[Adjourned to Monday, 13th May, at Twelve o'clock.

Friday, 17th May 1867.

MEMBERS PRESENT:

Mr. Dodson, in the Chair.

Colonel Packe.	Mr. Bonham-Carter.
Sir Edward Colebrooke.	Mr. Scholefield.
Mr. Goschen.	Mr. Whitbread.
Mr. Woodd.	Mr. Cave.

The Committee deliberated.

Motion made, and Question proposed, "That this Committee is of opinion that the Standing Orders of this House, which regulate the provisions relating to securities for the completion of railways should be revised, with a view to the case of Bills to be introduced in future Sessions.

The Committee is further of opinion, that it is inexpedient, considering the advanced period of the Session, and the probability of a review by Parliament of Railway Legislation, in other respects to make any alterations in the case of Bills of the present Session, in the provisions for securing the completion of Railways, which have hitherto been adopted in Railway Acts." (Mr. *Cave.*)—Question put, and *agreed to.*

Resolved, That the Chairman be instructed to move the House for leave to make a First Report.

First Report read, and *agreed to.*

"Your Committee are of opinion, that the Standing Orders of this House which regulate the provisions relating to securities for the completion of Railways should be revised, with a view to the case of Bills to be introduced in future Sessions.

"Your Committee are further of opinion, that it is inexpedient, considering the advanced period of the Session, and the probability of a review by Parliament of Railway Legislation, in other respects to make any alterations in the case of Bills of the present Session, in the provisions for securing the completion of Railways, which have hitherto been adopted in Railway Acts."

[Adjourned to Friday next, at Twelve o'clock.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAYS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
17 *May* 1867.

302.

Under 1 *oz.*

Brought from the Lords, 30 June 1859.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED TO INQUIRE INTO

The Operation of the Act 13 & 14 Vict. c. 99, for the better Assessing and Collecting the Poor Rates and Highway Rates in respect of Small Tenements, and of the Act of last Session, cap. 43, to Amend the Municipal Franchise in certain Cases;

AND TO REPORT THEREON TO THE HOUSE.

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1859;
And to be Reprinted, 21 *February* 1867.

REPORT.

BY THE SELECT COMMITTEE appointed to inquire into the Operation of the Act 13 & 14 Victoria, c. 99, for the better Assessing and Collecting the Poor Rates and Highway Rates in respect of Small Tenements, and of the Act of last Session, cap. 43, to Amend the Municipal Franchise in certain Cases; and to Report to the House;

ORDERED TO REPORT,

THAT the Committee have met, and considered the subject-matter referred to them, and have examined several Witnesses in relation thereto, and having proceeded as far in the investigation entrusted to them, as the limited time at their disposal would admit, have agreed to the following Report: —

By the 9th clause of the Municipal Reform Act of 1835 (5th & 6th Will. IV. cap. 76) the right of voting in municipal elections was conferred on all persons who having for three years been inhabitant householders in a borough, or within seven miles of it, had also during the same time been rated as occupiers of premises within it, and paid their rates, except those which had become due in the six months immediately preceding the time of registration. A subsequent clause (the 11th) enabled occupiers to claim to be rated instead of their landlords in order to obtain the right of voting; but this right was strictly confined to those who were so rated themselves, and had duly paid their rates for the prescribed period.

In the year 1850 an Act was passed (13th and 14th Victoria, cap. 99) "for the better assessing and collecting the poor rates and highway rates in respect of small tenements." The original object of this Bill had, as its title implies, no reference to municipal government. It was intended for parochial purposes, and was framed to enable such parishes as should think proper to adopt its provisions to rate the landlords instead of the occupiers of all tenements of which the rateable yearly value should not exceed 6 *l.* During the progress of the Bill a clause foreign to its purpose was inserted in it which provided that "where the owner of any such tenement shall be rated to the relief of the poor in virtue of this Act instead of the occupier thereof, and such owner shall have paid all money due on account of such rate or rates in respect of such tenement, such occupier shall be entitled to all municipal privileges and franchises to which by virtue of an Act made and passed in the Session of Parliament held in the 5th and 6th years of the reign of King William IV., intituled 'An Act to provide for the regulation of Municipal Corporations in England and Wales,' he would have been entitled if he himself had been rated, and had paid such rate or rates."

By this clause a great change was effected in the system of municipal government as established by the Act of 1835. That Act had made the actual payment of rates for two years and a half by a householder himself a necessary condition of the enjoyment of municipal privileges; but the subsequent Act of 1850, by the clause just quoted, dispensed with this condition, and rendered the payment of rates by the landlord sufficient to confer the right of voting on

that class of occupiers whom the Legislature had thought it expedient to relieve from the direct payment of rates, on account of their poverty, and the consequent difficulty of collecting the rates assessed upon them.

In order to ascertain how the municipal government of corporate towns has been affected by this change in the law, the Committee, in the first place, directed printed queries to be addressed to the town clerks of the boroughs of England and Wales. An abstract of the replies that have been received was prepared for the use of the Committee, and will be found in the Appendix to this Report.

The Committee have also examined witnesses from several towns, who have given an account of what has, in their opinion, been the effect of this extension of the municipal franchise.

The evidence which has been obtained is not so full as might have been desired, owing partly to the necessity of bringing the inquiry to an early close, on account of the expected termination of the Session, and partly to the difficulty of finding witnesses who are willing to speak unreservedly to the most important facts. But though the information which has been collected is for these reasons, in some respects defective, it will be found of considerable value; and the Committee will now proceed to lay before the House its substance, and the conclusions they think are to be drawn from it.

The character and condition of the new class of voters introduced by the Act of 1850 is the first point that demands attention. It appears from the evidence, that in general, and more especially in large towns like Newcastle-on-Tyne, the bulk of this class are far less qualified by education, independence, and sobriety, to exercise electoral privileges, than the direct ratepayers. It is stated that in Newcastle a large proportion of those described as small tenement voters belong to the lowest grade of the operative class; they are in some districts principally or in great part Irish immigrants, unsettled in character and in occupation. These men, it is said, take no interest, unless one merely temporary and selfish, in municipal elections. They are so uneducated that few of them can read or write. By the necessity of their ignorance and poverty, they are usually under some external influence, whether legitimate or otherwise. Such influence is exercised in some cases by the owners of tenement property, who thus acquire, if they choose, a power in municipal affairs out of proportion to their share of local burdens. The large employers of labour also possess such an influence, though in less degree, and more rarely exerted. The Irish Roman Catholics are a numerous class among the small tenement voters, over whom the authority of the priests is paramount wherever any religious question is concerned. The witnesses concur almost unanimously in stating that too many of the occupiers of this class of tenements are "open to the highest bidder;" the bidding generally being in the form of drink and breakfasts given at public-houses, or of a payment in the name of compensation for loss of work amounting very often to more than a day's wages. Without such "consideration," it seems that this class of electors would rarely exercise their right, for which they appear to care extremely little, except as affording them opportunity of drinking and feasting at the expense of the candidates. These observations apply specially to Newcastle, but the Committee believe that, to some extent, they will hold good as to other towns.

Q. 274. 320. 369. 1293.

Q. 1525.

Q. 931. 1253. Q. 1028 *et seq.* 1093. 1190.

Q. 301. 597. 806. App. "Portsmouth." Q. 90. 185. 303. Q. 691. 714.

Q. 322. 471. Q. 324.

Q. 329. 945. 1161. 1583.

Q. 747.

There is, however, a class of electors of a different stamp, who now vote under the Small Tenements Act. The higher order of artisans, men often quite as intelligent and independent as the smaller shopkeepers, generally occupy dwellings of which the rates are paid by the landlord; and any measure disfranchising them, would deprive the electoral body of a valuable and respectable element. But it is admitted by the witness who makes this statement, that many of these occupiers were formerly rated in their own names, and acquired votes by paying the rates. It also appears that some of them live in houses to which the Act of 1850 does not properly apply, and of which the landlords are rated merely for the convenience and by the consent of all parties concerned. If the clause, enabling occupiers not paying rates to vote at municipal elections were repealed, provision might be made, in the manner the Committee will suggest in a later part of this Report, for preserving the votes of as many of this class of voters as really value the privilege.

Q. 715. 1495. Q. 1562–3.

It

It further appears that many of the small tenement voters, and especially those of the lowest class, do not pay rates at all, directly or indirectly; the rents being comparatively little affected by the amount of rates paid by the landlord. Q. 79. 82. 87. Contra, 292. Q. 601.

Moreover, it is clearly shown in evidence that the rateable value of the tenements rated under the Act of 1850 is generally but a small, often an insignificant fraction, of the whole rateable property of a ward in which the small tenement voters form perhaps an absolute majority. In one case, where the Act has increased the number of voters from 381 to 948, it appears that the minority of the voters represents property of the value of 26,000 *l.*, while the majority represents property of the value only of 4,000 *l.* In another case 302 small tenement voters are able to control the elections of a ward in which their rating is 661 *l.* out of a total of nearly 16,000 *l.* In Bridgewater, where the small tenement occupiers are of so low a class that numbers of them receive parish relief during the winter, they form two-thirds of the constituency; for in some towns the legal disqualification created by recent relief is not, in practice, insisted upon. In Sunderland, which affords a striking example of this state of things, it appears that of 5,300 voters, 1,000 pay on 27,000 *l.*; while 4,300 pay on 7,000 *l.* only. Q. 281. App. "Lancaster." Q. 434. App. "Scarborough." Q. 281. Q. 576. Q. 77. 194. App. "Sunderland."

The result, then, of the clause enfranchising the small tenement holders has been, in these and similar cases, to transfer the power of electing those who have the management of the municipal funds from the persons who pay the rates to those who at most only bear indirectly an insignificant proportion of the burthen, and sometimes pay nothing, either directly or indirectly, to the municipal revenues. In numerous cases, wherever the clause in question has come into full operation, the owners and occupiers of a very small part of the rated property have paramount influence in the taxation and expenditure of the borough. Q. 81. 86. 1624. Q. 1749.

The operation of the Act is materially affected by the manner in which the registration of the occupiers of small tenements is conducted. Boston and Warrington are the only towns from which the Committee have received evidence in which it appears that the overseers themselves inquire into the rights of those occupiers, and take care to enrol all who are entitled to a vote, and to exclude those who are not. Sometimes it is left to the occupiers themselves to demand the insertion of their names in the register; and in such cases it is worthy of remark, as showing the estimation in which electoral privileges are held by persons of this class, that though the claim involves no expense, and very little trouble, the number of claims made is so exceedingly small as to produce no perceptible effect upon the constituency. In some towns the duty of enrolling the names of small tenement holders is left to the landlord, who inserts or omits names almost at discretion, no check being imposed by the overseers, who know neither the names nor the persons of his tenants. This practice certainly ought not to continue. It cannot be right that the electoral privilege of the tenant should depend on the caprice of the owner, nor is it safe to entrust the latter with the power, which it is in evidence that he now, in these cases, possesses, of creating votes upon his property. Q. 1181. 1649–1651. Q. 88, 89. 1308. Q. 306. 309. 414. 482. Q. 590. 726. 799. 1294–5.

Where it is reported that the Act has worked well, it would seem to be the case that, either from being required to make a claim on their own behalf, as at Doncaster, or because, as at Cardiff, they are too migratory in their habits to acquire a title to vote, the small tenement occupiers have not been added in any considerable numbers to the constituency. While there is no doubt that the Act is of great service in facilitating the collection of rates, it is quite clear that it has produced, wherever large numbers of small tenement occupiers have been admitted to vote, a serious deterioration in the character of the constituent body. Taking different wards of the same town, the evidence before them justifies the Committee in believing that those in which the small tenement voters are most numerous are the most noted for the prevalence of malpractices. No trifling deterioration of the constituency is implied in the mere fact, that in many cases the direct ratepayers are completely outnumbered by those who either pay no rates or pay them so indirectly that they are hardly aware of the payment, and whose ignorance of municipal affairs is not enlightened by the self-interest of contributors to the local taxation. Q. 1308. Q. 1437. Q. 613–616. 720. 735. Q. 77. 498. 575.

Where the Act of 1850 has been carried into effect in such manner as to admit large numbers of small tenement holders to the franchise, it has caused a great increase of corrupt practices at municipal elections, which prevail much more widely and take much deeper root than was formerly the case. It appears that treating has always existed at municipal elections; but most of the witnesses concur in stating that it prevails now to an extent and exercises an influence formerly unknown. "You will not get a vote unless you give drink," says one witness, well acquainted with the lowest class of voters. Drink is given during the canvass; breakfasts are supplied on the day of election to the supporters of the candidates; and in too many cases the corruption extends over a considerable period, public-houses being kept open for ten days or a fortnight before the election takes place. It is not denied that some of the direct ratepayers are accessible to such influences, but it is asserted that these influences are almost the only means of gaining the support of the non-paying voters.

Q. 28.278–9. 338. 471. 521. 1377.
Q. 553. 582.
Q. 472.
Q. 256, 257.
Q. 607.

Another evil induced by the great addition to the constituencies made under the Act is the employment of hired canvassers. This system, independently of its serving as a cloak for bribery, must tend to increase the disinclination of men of the highest local and commercial standing to participate in municipal business. Nothing could be more likely to throw the control of municipal elections into the hands of a class of interested intriguers and agitators, than an arrangement by which the services which should be rendered to a candidate by the most reputed and influential of his friends, are performed by paid and quasi-professional agents.

Q. 746. 1239 *et seq.*

The effect of these unwholesome influences upon the character of the municipal councils is, for very obvious reasons, much less easily to be traced. The witnesses speak openly of the disorder and demoralisation arising out of the elections; of cases of fraud and personation; of the frequency of disgraceful drunkenness; and of the gross ignorance and venality of a large class of the electors. But they are naturally reluctant to draw invidious comparisons between the persons who are now elected as municipal councillors and those who formerly were so; they are unwilling to speak in disparagement of their fellow-townsmen, men with whom they are personally acquainted; and the Committee have accordingly found it difficult to obtain full information as to the effect of the Act of 1850 on the constitution of the municipal corporations.

Q. 412, 413.

There is, however, reason to think that the proceedings of those bodies are generally conducted with less dignity and propriety than formerly; and the control over local expenditure and local administration is now less frequently vested in the persons of the highest local reputation. How far this state of things is caused by the Act of 1850, and how far it is the result of other and more general causes, are questions which would afford scope for a much wider inquiry than that which has been assigned to the Committee.

Q. 376. 1459–60.
Q. 15. 16. 224. 321. 352. 509. 543. 731. 1011.

Of the effect of the changes above described on municipal administration and expenditure, it is even more difficult to obtain information than with regard to the character of the corporations; but the evidence which has been obtained tends to show that except in special cases, such as Morpeth, little deterioration has in this respect been as yet produced. It can, however, hardly be expected that such will continue to be the case, when the lowered character of the constituency has had time to make itself thoroughly felt in the elected bodies. Wherever the Act of 1850 has been carried into full operation, the lowest class of the population have acquired a predominant influence over municipal elections; treating, bribery, and hired canvassing have greatly increased; the character and dignity of the corporation is said to be lowered by the intrusion of unworthy members, and by the introduction of personal squabbles, tending to impair the decorum of its proceedings. These things must in time produce a sensible effect on the administration of municipal affairs. Already in some places, as, for example, in Scarborough, the corporation is stated not to possess the confidence of the better classes of the inhabitants, who are disposed, from jealousy and distrust, to withhold the powers necessary for the adequate performance of its duties.

App. "Morpeth." Q. 45.
Q. 1613 to 1620.
Q. 46. 452.
Q. 1011 *et seq.*

As regards the purely parochial purpose of collecting the rates with ease and from a larger number of houses, there can be no doubt that the Act works well; and

and as it bestows no parochial votes on the tenement holders, it is not surprising that the vestries should look at the question of its adoption merely in a financial point of view. But there seems to be as little doubt that, as regards the municipal franchise thus conferred on small tenement holders, the operation of the Act is most unsatisfactory. In one case, that of Great Yarmouth, where the parish and borough are co-extensive, the evils resulting from the municipal enfranchisement of this class were found so far to outweigh the parochial advantages arising from the adoption of the Act, that after a four years' trial, the resolution for adopting it was unanimously rescinded.

Q. 162–3. 794.

Q. 864 *et seq.*

The evils produced by the operation of the clause which enfranchises occupiers whose rates are paid by the landlord—are so serious, that the Committee recommend that it be repealed, and a provision substituted enabling the occupier of a tenement rated at less than 6*l.* to claim to be rated on the same terms as the landlord, and being so rated, and having paid the rates, to be entitled to have his name placed on the burgess roll.

As it is further in evidence that the practice of allowing voting papers to be signed for the voters, and merely delivered in by them at the poll-booth, tends to facilitate fraud and personation, the Committee recommend also that the signature or mark (duly witnessed) of the voter should henceforth be necessary to the validity of the vote; and that the forgery of such mark or signature should be punishable as a misdemeanor by a simple and summary process; and further, that the person presenting a voting paper so signed, should be liable to be called on for a formal declaration that such signature or mark is his own, and that such a declaration, if falsely made, should be similarly punishable.

Q. 420. 467. 659. 677–679. 698–700. 826. 848. 1588 *et seq.*

The Committee are of opinion that, as a test of fitness to take part in municipal affairs, as well as a security against corrupt and fraudulent practices, actual, direct, and continuous payment of rates should be the indispensable condition of the municipal suffrage. At the same time they are aware that in some instances where the occupiers are directly rated, and thus entitled to vote as ratepayers, the landlords do in fact, by arrangement with the overseers, pay the rates; and that the fact of being on the register for three years as a ratepayer does not therefore, in all cases, prove that the voter has really and directly paid the local taxes during that period. The practice now mentioned has been adopted at Exeter and South Molton, although the Small Tenements Act is not in operation, and probably in some other towns: it does not, however, appear likely to prevail very extensively, inasmuch as in these cases the overseers have no legal claim except against the occupier; and it is hardly probable that rates, not legally due from them, could be generally collected from a large number of landlords. The Committee, therefore, recommend an adherence to the qualification prescribed by the Municipal Reform Act of 1835.

Q. 207–212. Q. 949–960.

And the Committee have directed the MINUTES of EVIDENCE taken before them, together with an APPENDIX, to be laid before your Lordships.

14 April 1859.

Brought from the Lords 30 *June* 1859.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED TO INQUIRE INTO

The Operation of the Act 13 & 14 Vict. c. 99, for the better Assessing and Collecting the POOR RATES and HIGHWAY RATES in respect of SMALL TENEMENTS, and of the Act of last Session, cap. 43, to Amend the MUNICIPAL FRANCHISE in certain Cases;

AND TO REPORT THEREON TO THE HOUSE.

Ordered, by The House of Commons, *to be Printed,*
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